



Public Document Pack

DEVELOPMENT CONTROL AGENDA

**THURSDAY 2 FEBRUARY 2017 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

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

Membership

Councillor 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.

5. INDEX TO PLANNING APPLICATIONS

- (a) 4/03157/16/MFA - HYBRID PLANNING APPLICATION FOR THE REDEVELOPMENT OF SITE TO PROVIDE 12,503SQM RETAIL (CLASS A1) FLOOR SPACE, 545SQM OF CAFE/RESTAURANT (CLASS A3/CLASS A5) FLOOR SPACE, AND 180 SQM OF CAFE/RESTAURANT (CLASS A1/CLASS A3) FLOOR SPACE, WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING (DETAILS SUBMITTED IN FULL); AND OFFICE (CLASS B1) BUILDING MEASURING 2,787SQM (DETAILS SUBMITTED IN OUTLINE) - LAND AT MAYLANDS AVENUE, MAYLANDS AVENUE, HEMEL HEMPSTEAD (Pages 6 - 120)
- (b) 4/025/14/16/FUL - CHANGE OF USE FROM A1 TO A1/A4 - 104 HIGH STREET, BERKHAMSTED, HP4 2BL

This item has been withdrawn from the agenda.
- (c) 4/02528/16/FUL - CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH NEW ACCESS FROM BULBOURNE ROAD - GAMNEL FARM, BULBOURNE ROAD, TRING, HP23 5HF (Pages 121 - 142)
- (d) 4/00930/16/FUL - REPLACEMENT DWELLING - WINCHWICKS, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG (Pages 143 - 153)
- (e) 4/02978/16/FUL - DEMOLITION OF SINGLE DWELLING AND GARAGE AND CONSTRUCTION OF TWO THREE-BED SEMI-DETACHED THREE STOREY DWELLINGS AND PARKING - HAVENCROFT, 13 BANK MILL, BERKHAMSTED, HP4 2ER (Pages 154 - 165)
- (f) 4/02931/16/FUL - CONSTRUCTION OF NEW DWELLING - 28 MELLING CROFT, NORTHCHURCH, BERKHAMSTED, HP4 3XB (Pages 166 - 180)
- (g) 4/02947/16/FUL - CONSTRUCTION OF A LAUNDRY ROOM AT THE REAR OF THE COMMUNITY HALL - COMMUNITY HALL, THE ROWANS, HEMEL HEMPSTEAD (Pages 181 - 187)
- (h) 4/03013/16/FHA - INSTALLATION OF SATELLITE DISH 100CM IN DIAMETER - 8 MILLBANK, HEMEL HEMPSTEAD, HP3 9RN (Pages 188 - 191)
- (i) 4/03282/16/FUL - FOUR TWO-BED DWELLINGS - LAND SOUTH OF 30 WEST DENE, GREAT GADDESSEN (Pages 192 - 209)
- (j) 4/02881/16/FUL - INSTALLATION OF 5 NEW PARKING BAYS ON AMENITY GREEN - CRANFORD, FLETCHER WAY, HEMEL HEMPSTEAD, HP2 5QP (Pages 210 - 217)
- (k) 4/03301/16/FUL - INSTALLATION OF 11 PARKING BAYS - AMENITY GREEN BEHIND FLATS 1-23 LONGLANDS, HEMEL HEMPSTEAD, HP2 4DG (Pages 218 - 226)
- (l) 4/03056/16/FUL - INSTALL 12 PARKING BAYS ON AMENITY GREEN - LAND FRONT OF 1 TO 6 MADDOX ROAD, HEMEL HEMPSTEAD (Pages 227 - 234)

6. APPEALS UPDATE (Pages 235 - 239)

7. RECOMMENDED CHANGES TO DEVELOPMENT CONTROL COMMITTEE (Pages 240 - 243)

8. E/14/00053 - FAILURE TO COMPLY WITH THE REQUIREMENTS OF VARIOUS NOTICES (Pages 244 - 254)

9. E/17/00019 - BREACH OF TEMPORARY STOP NOTICE AND UNAUTHORISED ENCAMPMENT

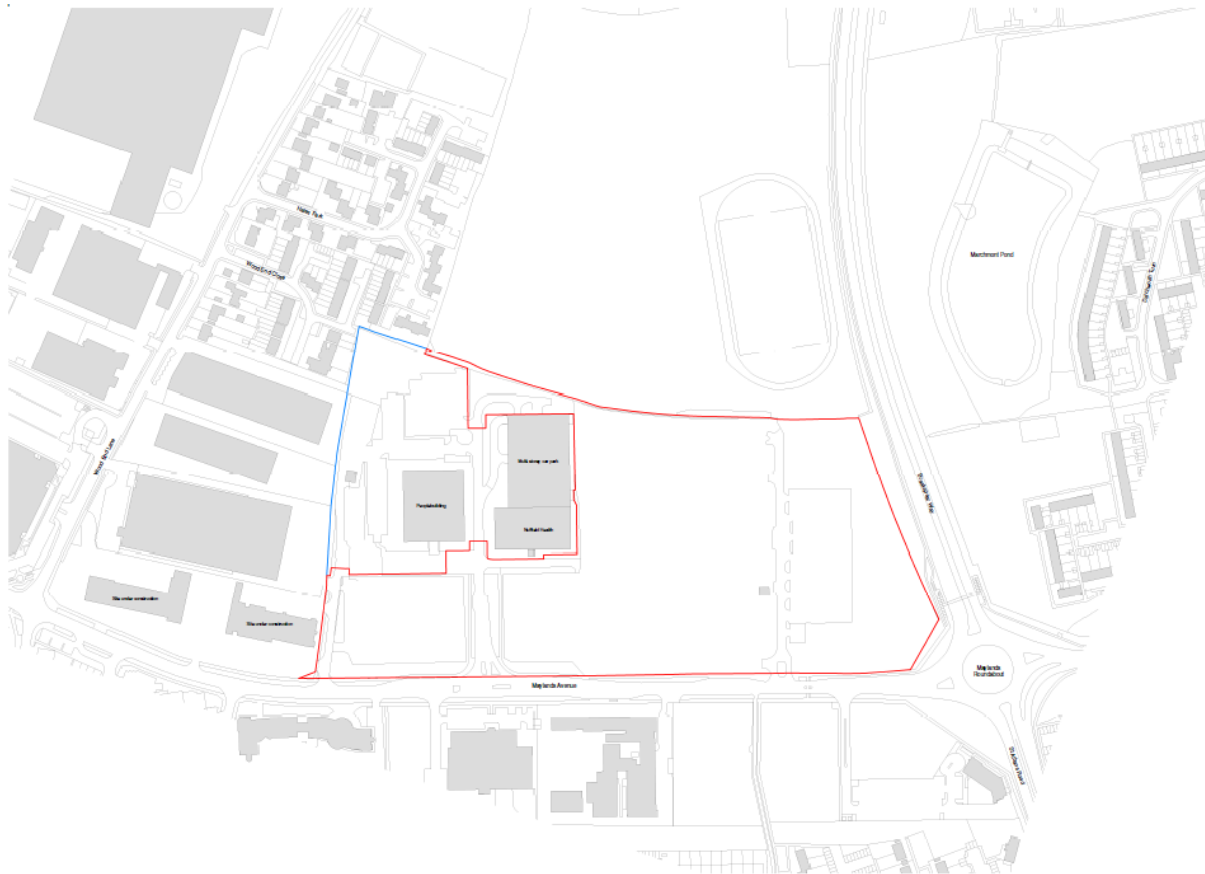
Report to follow

Agenda Item 5a

Item 5a

4/03157/16/MFA- HYBRID PLANNING APPLICATION FOR THE REDEVELOPMENT OF SITE TO PROVIDE 12,503 SQM RETAIL (CLASS A1) FLOOR SPACE, 545 SQM OF CAFE/RESTAURANT (CLASS A3/CLASS A5) FLOOR SPACE, AND 180 SQM OF CAFE/RESTAURANT (CLASS A1/CLASS A3) FLOOR SPACE, WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING (DETAILS SUBMITTED IN FULL); AND OFFICE (CLASS B1) BUILDING MEASURING 2,787 SQM (DETAILS SUBMITTED IN OUTLINE).

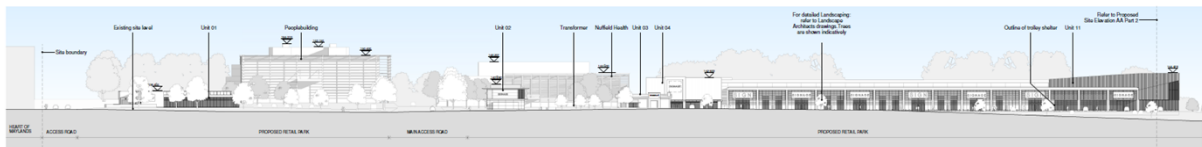
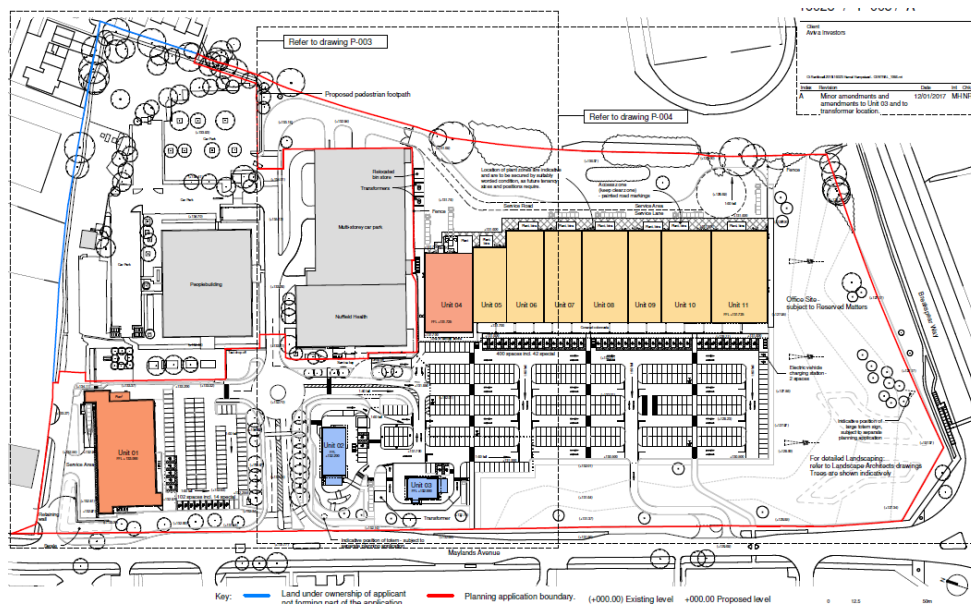
LAND AT MAYLANDS AVENUE, MAYLANDS AVENUE, HEMEL HEMPSTEAD



Item 5a

4/03157/16/MFA- HYBRID PLANNING APPLICATION FOR THE REDEVELOPMENT OF SITE TO PROVIDE 12,503 SQM RETAIL (CLASS A1) FLOOR SPACE, 545 SQM OF CAFE/RESTAURANT (CLASS A3/CLASS A5) FLOOR SPACE, AND 180 SQM OF CAFE/RESTAURANT (CLASS A1/CLASS A3) FLOOR SPACE, WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING (DETAILS SUBMITTED IN FULL); AND OFFICE (CLASS B1) BUILDING MEASURING 2,787 SQM (DETAILS SUBMITTED IN OUTLINE).

LAND AT MAYLANDS AVENUE, MAYLANDS AVENUE, HEMEL HEMPSTEAD



4/03157/16/MFA - HYBRID PLANNING APPLICATION FOR THE REDEVELOPMENT OF SITE TO PROVIDE 12,503 SQM RETAIL (CLASS A1) FLOOR SPACE, 545 SQM OF CAFE/RESTAURANT (CLASS A3/CLASS A5) FLOOR SPACE, AND 180 SQM OF CAFE/RESTAURANT (CLASS A1/CLASS A3) FLOOR SPACE, WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING (DETAILS SUBMITTED IN FULL); AND OFFICE (CLASS B1) BUILDING MEASURING 2,787 SQM (DETAILS SUBMITTED IN OUTLINE).. LAND AT MAYLANDS AVENUE, MAYLANDS AVENUE, HEMEL HEMPSTEAD.

APPLICANT: Aviva Life and Pensions Uk Ltd.

[Case Officer - Intan Keen]

Summary

The application is recommended for approval subject to conditions and a Section 106 agreement to secure compliance with retail conditions and restrictions, provision of a Travel Plan and contributions towards public realm improvements. However, if the committee accept the recommendation the application must be referred to the Secretary of State for Communities and Local Government (SoS) as a Departure from the Development Plan for consideration to "call-in" the application as the proposal exceeds 5,000m² as an out of town shopping centre on designated employment land.

Background and previous application

Application 4/01132/15/MOA sought outline planning permission for the construction of retail floor space (Use Class A1) measuring 12,503m², office floor space (Use Class B1) measuring 3,004m², restaurants measuring 650m², and associated car parking, access and landscape works was granted on 1 April 2016, pursuant to a Section 106 agreement. Details of conditions and legal restrictions of note have been listed in Strategic Planning and Regeneration comments and are copied below:

The relevant conditions attached to this permission are summarised as follows:

- The gross retail floor area shall not exceed 12,503 sq. metres. The net retail floor area shall not exceed 9,290 sq. metres. comprising a maximum of:
 - 1,414 sq. metres of convenience food goods
 - 7,848 sq. metres of comparison non-food goods
- The retail units shall have a minimum gross internal area of 650 sq. metres.
- There shall be no more than six retail units.
- No retail unit shall contain a dedicated in-store post office, pharmacy, photo shop or financial services.
- The Class A3 floorspace shall be limited to 650 sq. metres (GIA).

The outline permission was also granted pursuant to a Section 106 Agreement which imposed the following additional limitations on the permitted retail use of the approved retail floorspace:

- Not more than one unit can be used for the sale of goods related to sports and outdoor pursuits, provided not more than 49% of the net sales area of that unit is

used for the display of sports and outdoor pursuits clothing and footwear.

- Not more than one unit can be used for the sale of clothing (excluding sports clothing), footwear, jewellery and fashion accessories, toiletries and cosmetics provided it is limited to 49% of the net sales area.
- Notwithstanding the above two restrictions, no more than 3% of the net sales area of units can be used for the sale of food and drink, clothing and footwear, jewellery and fashion accessories, pharmaceuticals, toiletries and cosmetics.

Summary of reasons to grant

The application submitted is a hybrid seeking full planning permission for a retail park comprising nine Class A1 units totalling 12,503m² in area and two detached restaurant units of 545m² (Class A3 / A5) and 180m² (Class A1 / A3), and outline planning permission for a commercial Class B1 building measuring 2,787m² on land at the former Peoplebuilding site on Maylands Avenue.

Planning permission (in outline form) currently exists for the redevelopment of the site for a retail park with a maximum of six Class A1 units, three Class A3 units and one Class B1 unit. This represents a fall back position where reserved matters could be submitted and this extant and recent permission is given significant weight in the determination of the current proposal.

Differences between the current proposal and the outline permission are noted in the following sections. The changes would not result in a significant material impact on the viability and vitality of Hemel Hempstead town centre, together with the allowed out of centre scheme at Jarman Park (details of this application and subsequent appeal provided below).

To assist with the retail impact assessment, the Council employed retail consultants Peter Brett Associates (PBA) to review the changes from the outline permission. Their findings are as follows:

- The increase in the number of units from six to nine is acceptable;
- The increase in convenience floor space could be acceptable, subject to the applicant updating their analysis as set out in their letter; and
- The extension to the permitted retail use to include the sale of baby and children's clothing and maternity wear from one unit is acceptable.

(Confirmation by e-mail was received on behalf of the applicant on 23 January 2017 that the extension to the permitted retail use to include the sale of pharmaceutical goods has been withdrawn from the proposal.)

PBA have recommended that cumulative impact assessment work is undertaken with respect to the current scheme and Jarman Park and the impact on Hemel Hempstead Town Centre. However, their advice is also that the Council should determine how much weight to give to the fall back position of the outline permission in assessing cumulative impact.

The previous outline application also relied on work carried out by retail consultants

Chase and Partners (dated November 2015) whose advice would be relevant in the consideration of this application.

Emphasis on economic prosperity is detailed in Section 1 of the National Planning Policy Framework (NPPF). Together with the outline planning permission fall back, which is also given significant weight, the proposed development subject to conditions below and restrictions and contributions secured by a Section 106 agreement would outweigh any concerns in terms of retail impact on Hemel Hempstead Town Centre.

The proposal is considered satisfactory in all other respects subject to suitable conditions to accord with the guidance in the NPPF, the current and saved policies of the Dacorum Core Strategy (2013) and the Dacorum Borough Local Plan 1991-2011.

Site description

The application site comprises 6.8 hectares of land forming part of the former Lucas Aerospace site, located on the corner of Maylands Avenue and Breakspear Way within the urban area of Hemel Hempstead and the Maylands Avenue General Employment Area. The site features a large frontage to Maylands Avenue and a prominent location as a gateway into Hemel Hempstead from the M1 motorway and from St Albans and forms part of the Maylands Gateway area as defined in the Maylands Masterplan.

Access to the site is via a signalised junction on the eastern side of Maylands Avenue.

The north-eastern part of the land, excluded from the application site, has been developed for one office building (B2). A health club and restaurant building has also been constructed adjacent to building B2, and a decked car park is located to the rear of the health club building to serve B2 with surface parking to the rear of B2 for users of the health club.

To the north of the Lucas Aerospace site are a number of factory units fronting Wood Lane End. To the north-east is a residential development known as Hales Park. East of the site is the former Lucas sports ground.

Public footpaths exist on the two street frontages of the site and also to the north-east connecting with the residential development at Hales Park.

Since the previous outline application, improvement works and landscaping to surrounding footpaths on Maylands Avenue and the gateway have been carried out.

Proposal

This application is a hybrid seeking planning permission for the following:

- Full planning permission for the construction of 12,503m² of retail floor space (Class A1), 545m² of restaurant (Class A3 / A5) and 180m² of restaurant (Class A1 / A3), a car park with 557 car spaces, and associated landscaping and access works; and
- Outline planning permission for the construction of an office (Class B1) building measuring 2,787m². All matters are reserved for this element of the proposal.

The site would utilise the existing access off Maylands Avenue, which is a traffic signalled junction.

The retail (Class A1) floor space would be spread over nine units of varying sizes, with no unit less than 650m² in area. It would comprise one standalone discount food retail unit located at the northern end of the site and a terrace of eight retail units occupying the central portion of the site. The retail terrace would be set back from Maylands Avenue behind an open car park. Of the total 557 spaces proposed, 102 of those would be located immediately in front of the discount food retail building on the northern side of the main access. The remaining 455 spaces would serve the main terrace and restaurant units. There will also be 16 motorcycle spaces and 80 cycle spaces.

The premises have been designed so that the retail units are of a 'warehouse' format with a minimum gross internal area of 650m².

The ground floor area would measure 9,898m² with 2,605m² to be provided at mezzanine level.

An extension to the permitted retail use is also sought, for the sale of baby and children's clothing and maternity wear from one unit (this was a restriction in the Section 106 agreement under the previous outline permission).

The two restaurant units would be located on the southern side of the main access, proximate to the site's Maylands Avenue frontage. Both units would have drive-through facilities.

Servicing for the retail terrace is proposed to the rear (along its eastern elevation), while the standalone retail unit would be serviced on its northern side.

Opening hours for the units are proposed as follows:

- Retail (Class A1) units: 07:00 to 22:00 Monday to Saturday and 10:00 to 18:00 Sunday
- Restaurant units (Class A3 / A5 and Class A1 / A3): 24 hour opening

The southern portion of the site, including the corner of Breakspear Way and Maylands Avenue, would be occupied by the office building, for which no plan details have been supplied. The submitted Planning Statement notes the location for the proposed office building to front Breakspear Way has been chosen as it offers good visibility and the potential to deliver a statement building on this gateway site in the future.

Access works as proposed are set out in the submitted Planning Statement and include:

- Minor alterations to the existing vehicular access point from Maylands Avenue;
- Changes to the kerblines of the internal road to increase the number of ingress lanes to two;
- Alterations to the existing access from Maylands Avenue to the north of the site to

- create a dedicated service access for Unit 01 (discount food retail unit); and
- New pedestrian links within the site, forming a link from Maylands Avenue to the development site immediately to the east of the application site.

Changes between current scheme and outline approval 4/01132/15/MOA

The Planning Statement submitted under the current application outlines the differences between the outline planning permission and the new proposal, which are as follows:

- A minor change to the extent of the application site (to provide a connection with the public footpath to the north-east of the site);
- An increase in the number of retail units from six to nine;
- An increase in the net sales area and the area permitted to be used for the sale of convenience goods (from 1,414m² to 1,900m²);
- An increase in the amount of Class A3 space from 650m² to 725m²; and
- An extension to the permitted retail use to include the sale of baby and children's clothing and maternity wear from one unit.

The composition of the retail floor space proposed at the application site and difference from the previous approval are set out in the submitted Planning Statement and copied below:

Area	Outline permission	Proposed	Difference
Total GIA	12,503m ²	12,503m ²	no change
Total net sales	9,262m ²	9,700m ²	438m ²
Total convenience	1,414m ²	1,900m ²	486m ²
Total comparison	7,848m ²	7,800m ²	48m ² less

Referral to Committee

The application is referred to the Development Control Committee as the application is a large scale major (over 10,000m²) and involves a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Planning History

Jarman Park

Application 4/00424/15/MOA sought outline planning permission for the erection of Class A1 retail development (to include convenience and comparison retail floorspace and ancillary cafe) and Class A3 drive-thru cafe / restaurant unit (with ancillary takeaway) together with access, car parking, service yard and associated works. This application was refused and subsequently appealed and allowed on 4 March 2016.

Details of the Jarman Park proposal included the construction of 10,305m² of Class A1 retail, consisting of 1,505m² of convenience retail and 8,800m² of comparison retail, along with a 180m² cafe unit.

This appeal confirms (at paragraph 8 of the Inspector's decision) that the wording 'a

positive overall outcome' effectively means in this context no significant adverse impact; such a wording and understanding accords with paragraph 27 of the NPPF.

In coming to their conclusion, the Inspector took into account the retail review from PBA and Chase and Partners with respect to the Maylands Avenue proposal (application 4/01132/15/MOA).

The following extracts of the appeal decision are relevant:

15. The application for the site was made on the basis of unrestricted A1 usage. A retail statement submitted as part of the planning application considered that the proposal would not result in a significant adverse impact on Hemel Hempstead town centre or any other centre within or surrounding the catchment area. Planning Practice Guidance (PPG) states that a judgement as to whether likely adverse impacts are significant can only be reached in the light of local circumstances, going on to note that in areas with high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact. As part of the application process for the proposal the Council commissioned Peter Brett Associates (the PBA report) to undertake a retail review of the scheme. This concluded that the proposal would have a significant adverse effect on the vitality and viability of the town centre, and a real risk of retailers currently in the town centre moving to the site were unrestricted permission to be granted.

16. I agree with this assessment. An unrestricted A1 consent at the site would provide Jarman Fields with a major shopping offer coupled with a substantial leisure and restaurant presence. It is easy to envisage customers travelling solely to the site to carry out a weekly food shop, combined with clothes and fashion shopping, with the day completed with a trip to the cinema and a meal out. The approval of unrestricted A1 on site would in effect create a mini-town centre, but one with fairly easy access by car, and would offer a significant alternative destination to the town centre. Retailers currently in the town would also be attracted by potentially lower rents and the free parking offer for customers. The proposal would have a significant adverse effect on the town centre and would be contrary to policy CS16 and the Framework.

17. The PBA report considers that the adverse impacts could be best mitigated through a restriction on the range of comparison goods sold from the development and other conditions that control the manner in which the development functions. Conditions are suggested to restrict total sales area and areas for convenience and comparison goods, a restriction on the minimum size of unit allowable and the range of goods allowed to be sold (specifically restricting clothing and footwear), and revoking permitted development rights. The appellant indicated at the application stage that they were willing to accept such conditions; this was confirmed at the Hearing. Such conditions would severely restrict the ability of the site to sell fashion and footwear, and would allow such items to continue to be sold largely in the town centre.

18. As part of the consideration of the Maylands Avenue application the Council commissioned Chase & Partners to undertake a retailer demand assessment (the C&P report). The assessment specifically considered the cumulative effect of 'proposed developments at Jarman Park and Maylands Avenue', and I note that the proposal at Jarman Park considered is the same scheme as is before me.

19. The C&P report considered that the planning conditions suggested for both

schemes should help to protect the town centre from out of centre competition and that both proposals would produce 'attractive and fundable retail parks in today's market'. The report also considers that there would be sufficient retail demand to support each development, with the restrictions provided offering some protection to the town centre which should remain the primary retail focus for the town. At the Hearing the view was expressed that Maylands was more likely to attract customers from out of the town, due to its proximity to the M1 and thus have less of an impact potentially on the town centre than the appeal proposal. However, in sequential test terms both sites constitute out of centre sites. Due to its location Maylands would also be closest for many residents and office workers on the east side of the town, and I note that the C&P report states that it considers that the town centre is strong enough to withstand competition from additional out of town centre comparison retailing, subject to scale and conditions. I agree with this conclusion; the conditions would in my view mitigate the risk of the potential of some of the key retailers in the town centre moving to the Park and would ensure that the site remains complementary to the role of the town centre. For the same reasons, nor do I consider that the proposal would have a significant adverse effect on other nearby shopping centres.

20. The Council raise concerns over the precision and enforceability of the proposed PBA conditions. However, concerns over precision can be largely overcome by slight wording amendments to ensure that any alteration to conditions would require a formal application. I have no substantive evidence to suggest that the appellant would be likely to request changes to the proposed conditions or seek to act outside the controls of the conditions; in any event any possible applications to vary conditions in the future would be for the local planning authority to consider based on the evidence provided, and it would be the responsibility for the Council to enforce the conditions, as with on any consent granted. In relation to the proposed condition restricting permitted development rights, for the reasons given above, I consider that the condition would pass the test of necessity and that the potential effect on the viability of the town centre of the proposal constitutes exceptional circumstances.

Adjoining land to the east

Also of relevance is application 4/00064/17/MFA for comprehensive redevelopment to provide 54,714m² of flexible commercial floor space within use Classes B1c / B8 and ancillary offices, together with car and cycle parking, access and landscaping at Maylands Gateway (former Lucas sports ground). This application is live and still under consideration.

Policies

National Policy Guidance

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

Dacorum Core Strategy

Policies NP1, CS1, CS2, CS4, CS8, CS9, CS10, CS12, CS13, CS14, CS15, CS16, CS25, CS29, CS31, CS32, CS33, CS34, CS35

Saved Dacorum Borough Local Plan 1991-2011

Policies 10, 13, 31, 33, 37, 44, 51, 54, 55, 57, 58, 99, 100, 106, 113, 116, 118 and 129
Appendices 4 and 5

Planning Policy Statement

Maylands Master Plan: The Gateway to a Greener Future (September 2007)

Maylands Gateway Development Brief (July 2013)

Site Allocations Development Plan Document Modifications (December 2016)

Summary of Representations

A full copy of Peter Brett Associates retail consultants report is attached at Appendix A.

A full copy of other consultation responses is attached at Appendix B.

These are summarised below.

Peter Brett Associates (PBA) retail consultants

Subject to the Council being satisfied over cumulative impact and all other matters, PBA findings on proposed changes are below:

- The increase in the number of units from six to nine is acceptable;
- The increase in convenience floor space could be acceptable, subject to the applicant updating their analysis as suggested;
- The extension to the permitted retail use to include the sale of baby and children's clothing and maternity wear from one unit is acceptable;
- The extension to the permitted retail use to include sale of pharmaceutical goods, toiletries, beauty and healthcare products from one unit is currently not acceptable.

Strategic Planning and Regeneration

The planning policy context is set out with reference to the following provisions:

- NPPF paragraphs 22, 24-27
- Policies CS1, CS14, CS15 and CS34 and Figure 18 of the Dacorum Core Strategy 2013
- Saved Policies 44 and 116 of the Dacorum Borough Local Plan 1991-2011
- Maylands Master Plan September 2007
- Maylands Gateway Development Brief July 2013
- Site Allocations Development Plan Document

Following the Site Allocations public hearing (October 2016) and the Inspector's initial note, the Council is now consulting on the 'Site Allocations Modifications December 2016'. Substantial weight should now be given to the Site Allocations document, given the advanced stage it has now reached. It is expected that the Site Allocations document will be adopted by the council in spring or summer 2017.

However, the Site Allocations document does not deal with the Maylands Business Park, including the current application site. It was intended to cover this area in the East Hemel Hempstead Area Action Plan, but it is now expected that it will be considered in the single Local Plan. The Site Allocations document does include proposals for employment and retail development elsewhere in Hemel Hempstead. Work has started on the evidence base for the single Local Plan. Once adopted, the single Local Plan will replace the existing saved Local Plan policies, the Core Strategy and the Site Allocations.

Key planning issues

The extant outline planning permission was granted less than a year ago and should be given significant weight, particularly as the current application proposes the same amount of retail floorspace as the outline scheme. Nevertheless, the current application differs from the permitted scheme in a number of respects. Therefore, the issues examined below should be considered carefully in deciding whether the revised proposals are acceptable.

Sequential test is met.

PBA's advice is that a cumulative impact assessment should be carried out. The applicants have not provided a cumulative assessment. If this continues to be the case, we should commission PBA to undertake the cumulative impact assessment.

Substantial weight should be given to the Site Allocations document, as it has reached an advanced stage. It is expected that the Site Allocations document will be adopted by the Council in spring or summer 2017.

The Jarman Park site has been marketed recently and a number of bids submitted. These bids put forward a range of proposals for the site, with none of the bids proposing to implement the outline planning permission granted on appeal for 10,305 sq. metres (gross internal area) of Class A1 retail floorspace.

Therefore, it remains uncertain what will happen on the Jarman site, but a retail scheme along the lines proposed in the Site Allocations document should be assumed at this stage.

The increase in number of retail units is acceptable.

The increase in the amount of floor space used for convenience goods could be acceptable.

The inclusion of a unit selling baby and children's clothing and maternity wear is acceptable.

The inclusion of a unit selling pharmaceutical goods, toiletries, beauty and healthcare products would not be acceptable. (However, this element has now been removed from the proposal.)

The increase in the quantum of Class A3 floor space is acceptable.

There would be no objection to the reduced office floor space and changed location of the offices. However, there are serious concerns about the deliverability of offices located in the south of the site.

We accept that offices are unlikely to be built on the site in the near future because of current market conditions. However, even if the market improves we are concerned that the offices are still likely to be undeliverable due to the proposed layout of the retail development.

The application is not accompanied by any plan showing the potential location of the offices or the proposed access arrangements. It appears that access would be taken through the middle of the retail park car park. Assuming this to be the case, it seems highly unlikely there would be any interest from developers in building offices or from firms wishing to occupy offices in such a location. Indeed, it appears that the only type of development that could realistically take place in this location is more retail floorspace.

Advice should be sought from the highway authority on whether access to the offices through the retail park car park would be acceptable on safety grounds.

As explained, in section 3(ii) of these policy comments, the application site forms part of the Maylands Gateway where the Council's policy is for a high quality office led development. Indeed, Maylands Gateway is the only site in the Borough with potential for large scale office development. This is an important consideration, particularly as the office floorspace targets in Core Strategy Policy CS15 are not being met and the South West Hertfordshire Economic Study (February 2016) proposes substantial office floorspace in Dacorum over the period to 2036.

Given the above, our view is that the application should not be permitted if it appears that an important element of the scheme is undeliverable. Therefore, the applicant should be asked to provide further information to demonstrate how the proposed offices could be satisfactorily accessed.

Strategic Planning and Regeneration further comments

The Chase and Partners (C&P) report is only just over a year old. Since the report was completed, no further health checks of Hemel Hempstead town centre have been carried out as far as I am aware. However, the health of the town centre has probably improved since then, given that:

- A few months ago, a survey showed that vacancy rates in the town centre had fallen appreciably and were now (I think) below the national average. I don't know who this study was carried out by and what the vacancy rate in Hemel town centre is.
- The completion of further stages of the Council's Hemel Evolution project have increased the attractiveness of the town centre.

Therefore, I think we can still rely on what C&P said about the town centre's health.

Another important point is that major refurbishment by Capital & Regional (C&R) is likely to boost the health of the town centre in the future. They have purchased the

Marlowes Centre (see C&P report paragraph 3.18) and significant stretches of Marlowes i.e. Edmunds Parade (C&P paragraph 3.19 and Appendix 6) and Fareham House. In March 2016 commercial agents Cushman and Wakefield announced as follows:

“C&R buys in Hemel Hempstead

Capital & Regional has acquired Fareham House in Hemel Hempstead in a £7.8m off-market transaction.

The property is adjacent to two other sites owned by C&R, Marlowes shopping centre and Edmunds Parade, which the company bought in February.

Together the properties cover 340,000 sq ft across 87 shops.

The purchases cost £53.8m and represent a yield of 7%.

Chief executive Hugh Scott-Barrett said:

“We have worked hard to acquire Fareham House off-market and the transaction represents a considerable success in the opportunity that we now have in Hemel Hempstead, a strong South East commuter town with significant growth potential that has historically been under-invested in.

“Together, the three acquisitions we have undertaken provide us with effective control of the town centre retail offer and unlock attractive longer-term prospects for a more comprehensive development and repositioning that fit well with our asset management capabilities.” “

C&R are now drawing up proposals for major refurbishment of the land in their ownership. However, I don't think we can say much about their emerging proposals at this stage.

Hertfordshire Highways

Does not wish to restrict the grant of permission subject to conditions relating to:

- Access arrangements for four-arm roundabout
- Details and specifications for drainage, access arrangements and visibility splays, parking provision, cycle provision, serving areas and loading and turning areas
- Delivery and Servicing Plan
- Stage 1 Road Safety Audit
- Travel Plan
- Construction Traffic Management Plan
- Swept path assessment

Works within the highway boundary and mitigation measures to be secured and approved via a Section 278 agreement.

Contributions shall be sought via Section 106 agreement for Travel Plan monitoring and implementation of mitigation measures for A414 / Maylands Avenue roundabout

junction.

Recommended informatives relate to storage of materials, road deposits and general works within the highway.

Conservation and Design

Suggested amendments including:

- Unit 01 – alterations to design and materials to break up long elevations which are prominent within and outside the site
- Unit 02 – design to reflect character of Unit 11 at opposite end of the park as these two buildings provide entrance features to the park, consider reorientation to create active frontage
- Unit 03 – reflect the redesign of Unit 02 and Unit 11 in terms of materials and design features, detailing of eaves and clerestory element to be revised so that it sits comfortably above building
- Units 04-11 – generally acceptable, require samples by condition, recommend use of a suitable local brick or one which matches colour of local brickwork to reflect character of Dacorum
- Transformer has a prominent location and consider relocation and to be concealed with appropriate hard and soft landscaping
- Car parking area – standard guardrails be avoided and traffic signage limited.

Trees and Woodlands

Comfortable with majority of proposed tree removal. There are trees or poor condition and low amenity value whose retention would not be desired. There are also trees of moderate value that are positioned too close to boundaries or that have self-set where there is no viable future for them.

Current proposals would create a landscape whose impact varies greatly to either side of the entrance way.

Trees and Woodlands further comments

I would agree that over-planting could obscure the visibility of the new units, however this isn't being suggested. Compare the numbers, and therefore affect, of trees suggested within submitted plans along Maylands Avenue to the front of units 01, 02 and 03 versus those proposed in front of units 04 – 11. I count eleven trees to the front of units 01 – 03 (plus fifteen nearby along the site access road and one more on the public highway). This compares with four trees to the front of other eight larger sized units.

The visual effect of this disparity will be stark. The frontage of 01 – 03 will have visual interest, a mix of species and sizes and seasonal value. The frontage of 04 – 11 will only have real interest whilst the Liquidambar's are in autumnal leaf. Apart from this small part of the year, the frontage will appear sterile and uniform, with no variety of colour or size.

The density of trees to the front of units 01 – 03, in visual terms, was deemed

acceptable by the agent in their submission, so there is little basis to their comment of lack of visibility regarding four trees in front of the larger units. Firstly, the site boundary to the front of units 04 – 11 is larger and so there is more opportunity to see the units over a longer period than with a shorter one, and secondly, the same density of trees has not been suggested. As previously stated;

“The intended purpose of landscaping here is to “reinforce the parkland aesthetic.” It is rare that modern urban parkland has regimented single species row planting, so I recommend that further planting is located within this area that creates a varied aesthetic. The visual impact of species such as Liquidambar is heightened when planted near to contrasting canopy shapes and colours. The Liriodendron will provide contrast but needs supplementing with more variety.”

Such variety could come from species like Birch (Betula) whose canopies are not dense.

Tree planting within the site needs to be of robust quantity at the start of the development's commercial life to allow for potential longer term tree thinning, should issues arise with specific specimens. It will not be possible to compel the site owner to plant more trees in the future should approved plans result in a poor 'parkland' aesthetic.

Parks and Open Spaces

I have looked at the landscaping proposals. The overall concept seems to be large swathes of wildflowers, which from May to September if managed properly should look spectacular. However proper management of this area is key to its success.

Parks and Open Spaces further comments

Proposed perennial wild flower mix is sown into the soil to negate the requirement for topsoil to be brought to site. The wild flower management regime is based around a spring flowering meadow. This is acceptable as long as the proposed management actually happens.

Rights of Way

No objection

Environmental Health

No objections regarding contaminated land and air quality matters subject to conditions.

Hertfordshire Lead Local Flood Authority

In the absence of an acceptable FRA we object to the grant of planning permission. It does not comply with the requirements set out in the Planning Practice Guide to the NPPF. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

The following information is required:

1. Detailed surface water volume and run-off calculations for all rainfall events up to and including the 1 in 100 year plus 40% for climate change event.

2. Outline drainage strategy for the proposed office development.

Hertfordshire Lead Local Flood Authority further informal comments

Initial objection withdrawn following submission of additional information, recommend conditions.

Hertfordshire Crime Prevention Design

Whilst not against the proposals there are elements which have caused great concern. Current layout would allow for crime and anti-social behaviour.

Reference to the following provision:

- NPPF paragraphs 58, 64 and 69;
- NPPG part 010, 011 and 014;
- Policies CS12 and CS13 of the Core Strategy.

Requested conditions relating to safer Parking Award (Park Mark), CCTV provision for public parking area.

Hertfordshire Fire and Rescue

No objection subject to the provision of fire hydrants in accordance with standards by condition.

Hertfordshire Property Services

Provision of fire hydrants secured by Section 106 agreement.

Hertfordshire Environmental Records Centre

No objections subject to conditions relating to timing for removal of vegetation and submission of Landscape and Ecological Management Plan.

Hertfordshire Waste and Minerals

No objection subject to submission of Site Waste Management Plan.

Environment Agency

No objection subject to comments from Council's Environmental Health department.

Thames Water

No objection to both phases of development.

Affinity Water

Site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

Construction works and operation should be done in accordance with relevant British Standards and Best Management Practices.

National Grid

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

NGK Spark Plugs (UK) Ltd, Maylands Avenue

Our comments revolve around traffic flows resulting from this development. Our concerns are largely the same as they were for the previous application.

It is stated, "As is evident above, the site has been granted permission for a significant amount of office floorspace and associated car parking, of which only a small element has been implemented." This is true but our position is that the traffic flow is significantly heavier since that permission was granted, We do not measure it but we live with it.

It is also stated (2.13), "The above, extant, development was assessed as acceptable to HCC as the highway authority. Analysis of traffic flows expected to be generated by the extant permission proposals was reviewed within the outline retail scheme on the site." Again true, but again, the current traffic flows are significantly different (worse). Peak hours are especially worse and the progression seems to work in steps, most noticeably in September of each of the years 2013, 2014, 2015, and 2016.

It is true (3.52) that "The site currently has a planning permission for a large level of B1 office land, only part of which has been implemented." We are grateful for that and, while it may be that permission cannot be withdrawn, we urge you to reconsider the conclusions regarding the adequacy of the road system.

Finally (5.12), "This junction has been designed in order to accommodate the previous extant office development consent, and therefore has been deemed appropriate for significant volumes of traffic." We believe that this is true only of the internal site traffic. We understand that the access road will be expanded to two lanes but that won't help the traffic on Maylands itself.

You can see that we are merely making one overall comment in 4 different ways ... what do we do about the traffic, indeed current traffic? Thank you for your attention.

Considerations

Policy and principle

The loss of employment land was considered under the previous application and

detailed in the associated committee report and the principle has been established by the granting of the outline application referenced above.

The key issue in the consideration of the principle of the development is the impact of the changes of the current scheme compared with the previous approval in retail terms. It was established under the previous outline application that the site is in an out of centre location.

Section 1 of the NPPF relates to building a strong, competitive economy, where paragraph 18 seeks to secure economic growth in order to create jobs and prosperity.

Section 2 of the NPPF ensures the vitality of town centres. Paragraphs 24 and 26 set out when the sequential test for retail outside of town centres is required. PBA in their letter notes the proposal is compliant with the sequential approach.

Policy CS16 of the Core Strategy is relevant and permits new retail floor space outside of defined centres if the proposal complies with the sequential approach and demonstrates a positive overall outcome in terms of the impact assessment.

Similarly, saved Policy 44 of the Local Plan requires the sequential approach to be followed. Under this policy, shopping development will only be permitted outside existing centres if it would not seriously affect the vitality or viability of nearby town or local centres.

Retail impact from the changes compared with outline permission

An assessment of retail impact is set out under the following sections.

- *Increase in the number of retail units from six to nine*

This is considered acceptable noting advice from PBA. PBA in their advice note that the floor space would remain unchanged as turnover calculations are based on area rather than units. However, the increase in the number of units could result in a higher turnover than the extant outline permission depending on the eventual tenant line up. The 'warehouse' format units are proposed alike those approved under the outline permission (albeit with a slightly smaller average gross internal area) and as such the proposed retail offer differentiates itself from that of Hemel Hempstead Town Centre and would not conflict with the objectives of Policy CS16 of the Core Strategy.

As such, if planning permission is granted it would be reasonable to attach conditions relating to the minimum unit size (gross internal area) and maximum number of retail Class A1 units.

PBA in their retail review of the current proposal have not objected to the increase in the number of units and Strategic Planning has agreed with this approach.

- *Increase in the net sales area and the area permitted to be used for the sale of convenience goods (from 1,414m² to 1,900m²)*

It should be noted that a slight decrease in comparison retailing from the outline permission is proposed and PBA has advised limited weight should be given to this decrease when considering the increase in net sales area. This stance is considered

appropriate given the overall amount of comparison floor space being considered.

PBA has raised queries with respect to the applicant's assessment of the uplift of convenience floor space. A full response is awaited, however, in the meantime, the following response has been provided on behalf of the applicant:

Summary of Uplift in Convenience Floorspace

As part of the consideration of the extant outline planning permission, PBA was instructed to undertake a detailed cumulative assessment of three proposed developments for foodstores within Hemel Hempstead. The separate proposals, including the floorspace and anticipated turnovers at a consistent date (2018) are set out in the Table below.

Development Proposal	Net Convenience Floorspace	Turnover at 2018
Jarman Park	812 sq. m	£7.8m
Lidl, Maylands Avenue	982 sq. m	£3.8m
Aviva Scheme, Maylands Avenue	1,414 sq. m	£17.2m
Total	3,196 sq. m	£28.8m

PBA concluded that the cumulative impact of the three proposed convenience stores on Hemel Hempstead and other defined centres was not 'significantly adverse'. Paragraph 6.3.3 of its Final Report (November 2015) stated:

In respect of the convenience sector, the cumulative effect would be less pronounced. This is primarily because there is only one significant foodstore within Hemel Hempstead town centre and instead the additional convenience floorspace would compete most readily with the strong out-of-centre provision, including mutual impacts on the schemes themselves.

The proposed development at Jarman Park was approved following a planning appeal but the proposed Lidl store at Maylands Avenue was refused by the Council on the ground of loss of employment space and design. No planning appeal was not lodged within the statutory time frames and that scheme is no longer being progressed.

The Table below shows the extant and proposed convenience floorspace having regard to the revised development scheme at the application site. It demonstrates that there is a material reduction in both the total convenience sales floorspace (- 446 sq. m) and turnover (- £1.8m) from that previously considered by PBA.

Development Proposal	Net Convenience Floorspace	Turnover at 2018
Jarman Park	812 sq. m	£7.8m
Aviva Scheme, Maylands Avenue	1,900 sq. m	£19.2m
Total	2,750 sq. m	£27m

The PPG requires applicants to provide a 'proportionate assessment' of impact. In light of the cumulative assessment previously undertaken by PBA and the reduction in the combined convenience floorspace and turnover it had deemed acceptable, the proposed development is considered to accord with development plan policies relating

to impact.

As per the previous advice, the principal impacts of the additional convenience floorspace proposed at the application site will fall on other, existing 'out of centre' foodstores (e.g. Sainsbury's, Tesco and the two Aldi stores) as well as competing against themselves. The cumulative impact on Hemel Hempstead and other defined centres is not considered to be unacceptable.

Additionally, PBA's advice goes on to state that the increase in convenience floor space could be acceptable, noting the following:

It is recognised that PBA's November 2015 advice found that there would not be a harmful cumulative impact on the convenience sector from three schemes and this included a Lidl store of some 982m² net of convenience floor space. The application for this Lidl was refused and an appeal has not been submitted. Therefore, subject to the applicant undertaking the necessary analysis (bearing in mind the changes in convenience forecasts) and taking a proportionate approach to the evidence (bearing in mind it is not our role to justify the scheme) it is expected that the increase in net convenience floor space could be acceptable.

(No emphasis added)

It follows the proposed uplift in convenience floor space from the previous approval would not result in significant harm to the town centre and as such would not be contrary to the aims of Policy CS16 of the Core Strategy.

- *Increase in the amount of Class A3 space from 650m² to 725m²*

Given the size of the town centre and the function of the restaurant Class A3 space which is not a destination point in its own right, the increase in restaurant space is considered acceptable. It is also noted that the number of restaurant units has decreased from three to two when comparing the proposal with the outline approval. As such, this element of the proposal would not harm the viability or vitality of the town centre in accordance with Policy CS16 of the Core Strategy.

- *Extension to the permitted retail use to include the sale of baby and children's clothing and maternity wear from one unit*

No objections would be raised to this element of the proposal as set out in PBA advice.

PBA's previous advice as set out in the report associated with the outline application was that the impact on the town centre could be mitigated through the careful control of the amount of fashion floor space by planning conditions.

However, this element of the proposal is sought to allow specifically for the sale of baby and children's clothing and maternity wear. No such store currently exists at Hemel Hempstead Town Centre at present. The Planning Statement submitted in support of the proposal identifies other clothing and fashion retailers which have a unit within Hemel Hempstead or Berkhamsted Town Centres. It is noted that none of the clothing retailers currently found in Hemel Hempstead offer baby and children's clothing and maternity wear as their primary goods; PBA in their advice has described

this as part of a wider range of fashion goods.

To allow for the sale of such clothing from one retail unit would be most comparable with retailer Jojo Maman Bebe which has a presence in Berkhamsted Town Centre. However, due to the distance of Berkhamsted Town Centre and this centre's own customer catchment, it would not be unreasonable to allow such a store to trade from the application site.

As such, the proposal for the selling of such clothing targeting a specific customer / market would not be in direct competition with any of the main clothing retailers within Hemel Hempstead, which cater for a much wider range of customers.

Another fact which weighs in favour of this element of the proposal is that the sales density for such a store would lower the average sales density across the proposed retail development. PBA agree with this approach, noting the Planning Statement also argues that the average turnover of £3,405 per square metre net for the intended occupier would be lower than the turnover assumed for the extant permission of £4,000 per square metre net.

The following conclusion was reached by PBA:

"Therefore, taking into account the qualitative gap for this type of retailer, the fact that the existing children's clothing provision is within existing stores selling other products, the low level of turnover per sqm net vis-a-vis the turnover used in the extant permission means that we can agree that this change on its own would not cause an unacceptable impact on any designated town centres."

Consequently, this element of the proposal to allow the sale of baby and children's clothing and maternity wear from one unit would not prejudice the health of nearby town centres and is considered acceptable against Policy CS16 of the Core Strategy.

Cumulative impact

The matter of cumulative impact of the proposed scheme takes into account the proposed changes above the outline permission together with the recently allowed appeal at Jarman Park (reference above). Under the previous outline application, cumulative impact took into consideration the combined impact of the application scheme (under 4/01132/15/MOA), the Jarman Park proposal which at the time was subject to a live appeal at determination, and the Lidl application at the Kier site (opposite Maylands Avenue).

The principle of both the retail scheme at the application site and the retail offer at Jarman Park (now allowed on appeal) has been established. As such, the main focus of the assessment of the principle of this current application should be based on the changes sought compared with the extent of retail provision and breakdown under the previous outline approval on the site.

It is considered that the matter of cumulative impact of the application site as well as Jarman Park coming forward would not have a significant adverse impact on the vitality and viability of Hemel Hempstead Town Centre in light of retailer demand advice prepared by consultants Chase and Partners, an assessment which was carried out under the previous outline application. The Chase and Partners report

dated November 2015 is considered relevant in the assessment of the current application, and was also considered relevant at the time of the Inspector's decision during the Jarman Park appeal (decision dated 4 March 2016). The main findings were set out in the previous committee report for outline permission and for ease are also included below:

- The level of comparison retailers in Hemel Hempstead is well above the national average. Comparison retailers occupy the largest proportion of units within the town centre. The high proportion of such retailers in the town centre and the reasonably expensive goods they sell is indicative that the town is in reasonable health.
- The vacancy level in Hemel Hempstead is slightly below the national average. This is also an indicator that the town is in reasonable health.
- Experian Goad has identified a number of multiple retailers as being 'key attractors'. Of the 30 key attractors, 23 are represented within Hemel Hempstead. This is a positive indicator of the town being in reasonable health.
- It is important for a town to have a variety and mix of multiples and independents, which is a feature of Hemel Hempstead town centre.
- The Riverside Shopping Centre has attracted a number of multiple retailers including a Debenhams department store and many fashion retailers.
- Dacorum Borough Council has been proactive in improving the quality of offer and environment through its 'Hemel Evolution' strategy. This investment will be critical for the future health and longer term success of the town centre as a retail destination.

As a result of these findings it was found under the previous outline application that the town centre could withstand the competition of both the outline retail scheme on the application site as well as that of Jarman Park.

Whilst the Chase and Partners November 2015 report has not been updated and no further health checks have been carried out, the health of the town centre has probably improved given that:

- A few months ago, a survey showed that vacancy rates in the town centre had fallen appreciably and were now (I think) below the national average. I don't know who this study was carried out by and what the vacancy rate in Hemel town centre is.
- The completion of further stages of the Council's Hemel Evolution project have increased the attractiveness of the town centre.

The following extract from the previous committee report notes PBA's conclusions on cumulative impact considered under the outline application:

Cumulative comparison impact on Hemel Hempstead Town Centre (Further Retail Review sections 5.2, 5.4, 5.5 and 6.3, dated November 2015): paragraph 5.5.3

assumes that the application proposal and Jarman Fields scheme will be controlled to limit the amount of floor space devoted to clothing and fashion. Nevertheless, paragraph 6.3.1 states that there is the potential for a significant adverse impact on Hemel Hempstead town centre, particularly due to diversion within the comparison goods sector. The following conclusion is reached in paragraph 6.3.5:

"The results of the cumulative assessment exercise demonstrate that DBC should only support either Jarman Fields or the current application."

PBA in the above advice (reported by Strategic Planning comments on the outline application) found the comparison element to be of concern where either the application site or Jarman Park should be supported. The amount of comparison floor space is broadly similar to the previous approval (a reduction of comparison floor space of 48m² is proposed) and therefore the cumulative impact of both schemes would not be adverse on the town centre.

PBA also found that cumulative convenience impact on Hemel Hempstead Town Centre would be less pronounced in Hemel Hempstead town centre than the comparison impact. Their previous advice in their Further Retail Review (November 2015) went on to state that this was primarily because there is only one significant foodstore in the town centre, so any additional convenience floor space would compete mainly with other out of centre stores (such as Adeyfield, Leverstock Green and Woodhall Farm).

However, the outline permission (4/01132/15/MOA) is subject to a condition restricting the total gross internal floor space and the breakdown of comparison and convenience floor space as set out below:

4. The Class A1 retail floorspace hereby permitted shall have a maximum gross floor area of 12,503sqm. The net sales area of the Class A1 retail floorspace shall not exceed 9,262sqm comprising a maximum of;

1,414sqm (convenience food goods)

7,848sqm (comparison non-food goods)

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

In assessing the uplift of the increase in convenience floor space compared with the outline permission, it is noted that the reason for this condition was only to protect the vitality and viability of the town centre, and not the local centres listed above.

It is also important to note that PBA in their advice under the current application do not raise concern with respect to the impact on local centres.

The submitted Planning Statement makes the following comment with respect to the main convenience retailer within the town centre, which is considered relevant:

7.47 In its analysis, PBA projected that 93% of the trade diversion (£2.74m) would be experienced by the Asda store at Hillfield Road. That store is projected to be overtrading by £13m at 2021 (operating at 163% of its Company benchmark). It follows that the cumulative impact of the committed and proposed development, even

in this most extreme scenario, would still not result in the risk of any store closures. It follows the range of services in Hemel Hempstead town centre would remain constant and therefore its overall attraction maintained.

When considering the above factors, the current proposal would not represent a significant material change in the retail offer compared with the granted outline scheme and on the basis of the submitted and available information the proposal would not have an adverse cumulative impact on Hemel Hempstead Town Centre or surrounding local centres, subject to the imposition of similar conditions to the previous outline permission.

Such conditions would include:

- Setting out total gross internal area and breakdown of convenience and comparison floor space;
- Restriction on minimum gross internal area for the retail Class A1 units;
- Restricting the maximum number of retail Class A1 units;
- Capping mezzanine floor space and requiring a plan showing the distribution of this over the retail Class A1 units;
- Restriction for in-store post office, pharmacy, photo shop or financial services;
- Restricting the amount of restaurant floor space;
- Removing permitted development rights.

As a result, the proposed development would not conflict with the aims of Policy CS16 of the Core Strategy with respect to ensuring the vitality and viability of the town centre.

Access, traffic and parking

The proposed development would be accessed via the existing signalised junction on Maylands Avenue. A further exit only access onto Maylands Avenue is proposed approximately 130m to the north of the Maylands Avenue / A414 roundabout. Subject to conditions set out in their comments above, the highway authority have no objection to the development and proposed access works.

The application was accompanied by a Transport Statement and the highway authority has found the assessment acceptable subject to provision of a Travel Plan for occupants which shall be conditioned.

With respect to on-site parking provision, the site lies within Accessibility Zone 3 (as set out in Supplementary Planning Guidance) where 50% to 75% of the maximum parking standard applies.

Saved Appendix 5 of the Local Plan sets out maximum parking standards. The highway authority has made an assessment on parking provision based on these local standards, stating that the proposal would accommodate 90% of the maximum parking standard and consequently no concerns have been raised with respect to parking. This assessment is considered appropriate noting the following:

- Class A1 food discount retailer: 1 space per 18m² for food stores up to 2,500m², resulting in a maximum 102 spaces for 1,825m² of gross floor area.

102 spaces are provided immediately in front of this retail Class A1 unit.

- Class A1 food retailer at main site: 1 space per 18m² for food stores up to 2,500m², resulting in a maximum 87 spaces for 1,554m² of gross floor area.
- Class A1 non-food retail: 1 space per 35m² (non-food without garden centre), resulting in a maximum 274 spaces for 9,587m² of gross floor area.
- Class A3 fast food: 1 space per 8m², resulting in a maximum 98 spaces for 780m² of gross floor area.

The maximum parking standard for the retail and restaurant uses within the main (central) section of the retail park is 459. The main retail car park provides 455 car spaces.

24 disabled parking spaces, 18 parent and child spaces and two spaces with electrical charging points would be accommodated for within the main retail car park.

Five disabled parking spaces and nine parent and child spaces would be provided within the northern car park serving the discount food retail unit.

The proportion of disabled parking is considered acceptable noting the 4% of total provision standard set out in saved Appendix 5 of the Local Plan.

Office Class B1 requires one space per 35m², resulting in a maximum 99 spaces for 2,954m² gross floor area. The proposed office site would appear of sufficient area and scale in order to successfully accommodate 99 car parking spaces to accord with the above-mentioned parking provisions.

Further details shall be sought through condition to secure appropriate levels of cycle parking for the proposed development.

The proposal is therefore considered acceptable with respect to access, traffic and parking in accordance with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Layout and landscaping

Full application for retail and restaurant development

The layout of the retail park would be satisfactory, noting there is no consistent pattern of development in the surrounding area (also noting the mix of uses). The detached discount food retail unit and the two restaurant units would be sited closest to the site's Maylands Avenue frontage, however a sufficient landscaping strip would be accommodated to soften the appearance of the development.

The main car park in front of the retail terrace would be set back from the two main street frontages which is considered appropriate.

Whilst the retail terrace would be considerably set back from Maylands Avenue, the

southernmost unit (Unit 11) would represent a focal point on Breakspear Way and into Maylands Gateway and given the fall in levels to the south, this corner building would appear prominent, although some distance from Breakspear Way.

Additionally, the relocation and reorientation of the retail terrace would address layout concerns raised under the previous outline application. The retail terrace would be serviced along its eastern elevation and servicing would be concealed from Maylands Avenue which is considered an improvement from the previously considered indicative layout.

Servicing to the detached retail unit would occur on its northern elevation however due to the landscape buffer along Maylands Avenue this would not be a prominent feature of the development to raise concern.

Mezzanine levels for the retail Class A1 units are proposed, however details of these have not been provided. Instead, the Planning Statement includes a suggested condition for additional details to be submitted showing the distribution of mezzanine floor space. This is considered satisfactory, however the allocation of mezzanine floor space should not exceed maximum comparison and convenience floor areas set out above which shall also be conditioned.

The proposal would incorporate an extension to the existing public footpath to the north-east of the site to allow a pedestrian route between Hales Park and the discount retail unit (and the wider retail park). This is considered to be a significant benefit weighing in favour of the proposal satisfying Policy CS12 of the Core Strategy.

Outline application for office Class B1

Concern has been expressed by Strategic Planning with respect to the layout which would result in the proposed offices being accessed either via the retail car park or the servicing area. This has raised the question as to whether the offices would be attractive to occupiers and therefore viable. This part of the proposal is subject to an outline application with all matters reserved and in the absence of any indicative layout plans for the office (Class B1) element of the proposal, a request has been made for information as to how this part of the site would be accessed.

The applicant is of the view that the site is accessible and deliverable and therefore viable in providing offices within the southern portion of the site.

Access to the office site has not been shown on the plans as this part of the application is subject to outline with all matters reserved (including access). Access to the office site could be via the main retail car park using the main entrance off Maylands Avenue. Whilst unconventional, it is considered that the peak times for accessing the office would not coincide with peak customer times for the main retail park.

It follows that the proposal is acceptable in accordance with Policies CS10, CS12, CS13 and CS25 of the Core Strategy.

Appearance of buildings and impact on appearance of street scene

Recommendations have been put forward by Conservation and Design in their initial

set of comments with respect to the orientation, prominent elevations and materials of buildings. The detached discount food retail unit, the two restaurant units and the southern end unit would be prominent both from the principal street scenes of Maylands Avenue and Breakspear Way and also from within the retail park.

The detached retail Class A1 unit within the northern part of the site would be sited proximate to Maylands Avenue and the amended plans propose the breaking-up of the long flank elevation facing the street through the insertion of panels of grey aluminium cladding.

Suggestions were made with respect to the two-storey restaurant unit (Unit 02) located immediately south of the main entrance to have a more active frontage to Maylands Avenue rather than the single-storey element, as such reorientation of this building was considered. However, this would not be favourable as the drive-through arrangement can only work in a clockwise direction. Large first floor windows to the upper level dining area would overlook Maylands Avenue and activity within would be visible from the north and south of the building when traveling along Maylands Avenue.

The design of the smaller restaurant unit (Unit 03) has been altered to adjust eaves depth and reduce bulk at roof level which is considered appropriate, noting its prominent location proximate to the principal street frontage.

The southernmost unit of the retail terrace (depending on the reserved matters for the office development to occupy the southern portion of the site) would be prominent from Breakspear Way, also noting the fall in levels and terracing across the site to this street frontage. The design of this unit would be acceptable incorporating a mix of materials to add interest to this focal point.

Amended plans have been submitted to show the slight relocation of the transformer further south and east giving it a greater setback from Maylands Avenue and from the prominent corner with the existing signalised junction that would lead into and out of the retail park. A reduction in size of the transformer together with screening measures have also been submitted. These are considered satisfactory and the amendments would ensure the transformer would not appear unduly prominent from public vantage points.

The majority of the proposed external materials are acceptable however to ensure the high quality and cohesion of the retail park, samples of materials shall be conditioned if planning permission is granted.

Whilst car parking, in particular the main car park, dominates the site, an appropriate balance must be achieved between ensuring a high quality development and appropriate provision of parking. Additional planting to soften the car park has been suggested by Conservation and Design, however the amount of planting is influenced by other objectives such as clear visibility of retail units, identification of vacant parking areas, and minimal cover to deter theft from cars. Additionally, as noted above, the proposal incorporates a sufficient landscape buffer to Maylands Avenue to appropriately soften the parking area.

It follows the proposal accords with Policies CS10, CS12, CS13 and CS25 of the Core Strategy.

Impact on neighbouring properties

The proposed development would not prejudice the adjacent office sites immediately to the north and would not restrict development on the adjoining site to the east. The nearest residential properties are located to the south in Leverstock Green, however the wide road reserve of Breakspear Way would provide a sufficient buffer to these properties. Similarly, the nearest dwellings within Hales Park would not be sited directly adjacent to proposed buildings or the associated servicing area or route. The proposal is therefore acceptable under Policy CS12 of the Core Strategy.

Drainage and flood risk

Thames Water have raised no objection to the proposal.

Hertfordshire Lead Local Flood Authority (LLFA) in their initial response did not consider the submission to be satisfactory with respect to flood risk. An updated Flood Risk Assessment / Drainage Report has been submitted to address the LLFA objection and include details of the proposed outline office Class B1 site. Comments from the LLFA are awaited.

Contaminated land and air quality

Subject to conditions recommended by the Environmental Health team these matters are acceptable in accordance with Policy CS32 of the Core Strategy.

Crime prevention

The Hertfordshire Crime Prevention officer has made some recommendations including the imposition of conditions requiring the provision of CCTV and relating to Park Mark, which shall be imposed if planning permission is granted, to accord with Policy CS12 of the Core Strategy.

Ecology

Subject to the imposition of suggested conditions, the proposal is satisfactory in this regard in accordance with the aims of the NPPF.

Sustainability

Notwithstanding the submitted sustainability statement it is considered reasonable to require further details relating to sustainability and energy efficiency in light of the various elements of the proposal subject to approval outlined above, to accord with Policies CS29 and CS31 of the Core Strategy.

Section 106 agreement

A Section 106 agreement is required to secure financial contributions and other matters detailed as follows:

Hertfordshire County Council's Planning Obligation Guidance (2008) requires a two-strand approach to planning obligations in order to address the immediate impacts of

the development (first strand) and the cumulative impact of all development on non-car networks (second strand). Only the First Strand would be applicable to this and other cases in Dacorum. The second strand does not comply with our approach under Regulations 122 and 123 of the CIL Regulations as the Council indicate it will use CIL funding for 'strategic and local transport proposals'.

- First Strand - financial contributions may be required to address the immediate and direct impacts of the proposed development on the local highway network. This is likely to be limited to mitigation measures at adjacent junctions to the application site and those works to access the development.
- Provision of a Travel Plan
- Financial contribution to Maylands Public Realm - the Council has excluded the Maylands Public Realm improvements from the Regulation 123 list and those items upon which it intends to spend CIL receipts. As such it is appropriate to secure such funds through a Section 106 agreement. The site represents a key area for the future regeneration of the business park as Dacorum Borough Council look to improve the quality of the built environment. The Maylands Masterplan, which was adopted by the Council as a planning policy consideration in September 2007, identifies these sites within the 'Face of Maylands' character zone. This zone is identified as high quality office led location.

The current site gives a mixed impact on Maylands Avenue delivering some Class B1 (office) and other retail uses. The new retail proposals seek to significantly reduce the level of office content within the development as to what has been previously approved. The site will significantly reduce the level of employment generating uses and provide lower amounts of employment than what would have been generated through previous office approvals. The new retail uses will also detract from the business park nature of the area through adding a wider mix of uses.

On this basis, contributions are sought towards the Maylands public realm improvements, which is necessary to mitigate the impact of the development. The Maylands Masterplan and Gateway development brief set a clear vision for the area, noting the desire to create a 'pleasant, high quality environment' among other objectives. A programme of works has been scheduled which details substantial improvements to the public realm of the Maylands Business Park; and most importantly the Maylands Avenue frontage has significant upgrade works detailed. Funding has been secured for the majority of the works; however, a proportion is expected to be achieved through Section 106 contributions associated with development taking place within the areas of the Development Brief. New developments are to contribute towards these with the schedule split into a number of sections with developments contributing 20% of the cost of the works of the section immediately to the front of the development site.

The total contribution requested therefore is £166,984.60.

- To secure retail conditions as set out under the Section 106 agreement attached to the previous outline permission amended as relevant (particularly to allow the sale of baby and children's clothing and maternity wear from one unit).

Community Infrastructure Levy (CIL)

The development of the site is subject to a CIL payment calculated in accordance with the CIL Charging Schedule. The convenience based retail and retail warehouse elements (Class A1) of the scheme are chargeable at £150 per square metre. A zero charge is levied against "other" uses within the Charging Schedule and as such no charge is levied against either the Class B1 or Class A3 uses.

It is noted that the restaurant unit of split Class A1 and Class A3 would not exceed the minimum floor space threshold for which CIL would be required.

The scheme results in an overall CIL liability of some £1,875,450.

Referral to Secretary of State

Under the Town and Country Planning (Consultation) (England) Direction 2009 paragraph 5.(1) local planning authorities are required to refer applications to the Secretary of State for development outside town centres consisting of or includes retail, leisure or office use, and which-

- (a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and
- (b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; and
- (c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
 - (i) 5,000 square metres or more; or
 - (ii) extensions or new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres.

Given that the application is for Class A1 use on land designated for Class B1 employment use and exceeds the floor space stated it is considered that should the committee accept the recommendation to grant planning permission that the application be referred to the Secretary of State as it is considered the proposal does not comply with the provisions of paragraph 5.(1) above.

It is considered that in accordance with the direction the application should be referred to the Secretary of State for consideration as to whether the application should be called-in.

Recommendations

That in accordance with paragraph 5.(1) of the Town and Country Planning (Consultation) (England) Direction 2009 the application be **REFERRED** to the Secretary of State (DCLG).

In the event that the Secretary of State does not call in the application that the application is **DELEGATED** to the Group Manager of Development Management and Planning with a view to approval subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 and the draft list of conditions below.

1. That the following Heads of Terms for the planning obligation be agreed:

- Financial contribution to address the immediate impacts of the proposed development on the local highway network to be agreed
- Provision of a Travel Plan
- Provision of fire hydrants
- Financial contribution towards Maylands Public Realm of £166,984.60
- To secure compliance with the retail conditions that preclude the sale of the following goods:
 - clothing and footwear
 - jewellery and fashion accessories

2. That the following conditions be imposed:

RECOMMENDATION - That the application be **REFERRED** to the Office of the Deputy Prime Minister in accordance with the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.

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 Outline Planning Permission element (office Class B1)

Approval of the details of the siting, scale, design and external appearance of the office building[s], the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

3 Full Planning Permission element (Class A floor space and associated physical works)

The Class A1 retail floorspace hereby permitted shall have a maximum gross floor area of 12,503sqm. The net sales area of the Class A1 retail floorspace shall not exceed 9,262sqm comprising a maximum of;

1,900sqm (convenience food goods)

7,800sqm (comparison non-food goods)

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy

CS16.

- 4 **The retail Class A1 units hereby permitted shall have a minimum gross internal area floor space of 650sqm.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 5 **The development hereby permitted shall be limited to a maximum of nine (9) units for use exclusively within Class A1 (Units 01 and 04 to 11 inclusive as shown on Drawing No. 16023 P-005 B).**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 6 **No retail unit shall contain a dedicated in-store post office, pharmacy, photo shop or financial services.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre and Heart of Maylands Local Centre in accordance with Core Strategy Policy CS16.

- 7 **Units 02 and 03 as shown on Drawing No. 16023 P-005 B shall be limited to a maximum gross internal floor space area of 725sqm for use within Classes A3 / A5 and Classes A1 / A3, respectively.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 8 **The retail units hereby permitted shall not be used other than as a shop within Class A1 in accordance with other conditions of this planning permission and the Units 02 and 03 shall not be used other than for Classes A1 / A3 and Class A3 / A5 uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 9 **Of the total retail floor space (Class A1) hereby permitted, no more than 2,505sqm (gross internal area) shall be installed at mezzanine level. Prior to the installation of any floor space at mezzanine level, metrically scaled floor plans showing the layout, amount and distribution of mezzanine floor space shall be submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16 and for the avoidance of doubt.

- 10 **The proposed development hereby permitted shall not be open to customers other than between the following hours for the uses specified below:**

Retail Class A1 units (Units 01 and 04 to 11, inclusive, as shown on Drawing No. 16023 P-005 B): 07:00 to 22:00 Monday to Saturday and between 10:00 and 18:00 on Sunday

Restaurant units (Units 02 and 03 as shown on Drawing No. 16023 P-005 B): 24 hour operation Monday to Sunday

Reason: For the avoidance of doubt.

- 11 **The development of each building hereby permitted shall not take place before samples of the materials to be used in the construction of the external surfaces of that building are submitted for approval in writing by the local planning authority.**

Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 12 **The development hereby permitted shall not commence before full details of both hard and soft landscape works have been submitted and approved by the local planning authority, for both the retail development as well as in accordance with Condition 2. These details shall include:**

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

- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

The approved landscape works shall be carried out prior to the development being brought into use.

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 Dacorum Core Strategy 2013.

- 13 **The development hereby permitted shall not commence before a Landscape Management Plan for a period of five (5) years from the date of the implementation of the landscaping scheme is submitted and approved in writing by the local planning authority. The scheme shall include long term design objectives, management responsibilities and maintenance schedules for the landscaped areas. The landscaping shall be managed in accordance with the approved plan.**

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 Dacorum Core Strategy 2013.

- 14 **The development hereby permitted shall not take place before the submission of a scheme for the protection of existing trees within and adjoining the site for approval in writing by the local planning authority. The approved scheme of protection shall be installed in accordance with the details approved and shall be maintained in place during the whole period of site demolition, excavation and construction (including any excavation for the purposes of archaeological assessment).**

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

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

use.

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

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

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

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

- 16 Development of each building shall not take place before details of the proposed slab, finished floor and ridge levels of that building in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 17 No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site.**

Any such written confirmation shall be submitted to the local planning authority.

Reason: In the interest of safeguarding any ecological interest on the site in accordance with the NPPF.

- 18 **The development of each building hereby permitted shall not commence before detailed plans are submitted and approved in writing by the local planning authority which show the proposed access arrangements for the internal four-arm roundabout, servicing access for the discount retailer (Unit 01 shown on Drawing No. 16023 P-005 B), exit-only egress for the retail car park onto Maylands Avenue, and the widening of the signalised junction access to Maylands Avenue. Development shall be carried out in accordance with the approved plans and any approved phasing strategy.**

Reason: In the interests of highway safety and to safeguard the amenity of other uses of the public highway and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 19 **The development hereby permitted shall not commence before full details in the form of metrically scaled plans and written specifications shall be submitted and approved in writing by the local planning authority to illustrate the following:**

- a) **Roads, footways, foul and on-site water drainage;**
- b) **Existing and proposed access arrangements including visibility splays;**
- c) **Parking provision;**
- d) **Cycle parking provision;**
- e) **Servicing areas, loading areas and turning areas for all vehicles.**

The development shall be carried out in accordance with the approved plans and any approved phasing strategy.

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 20 **The development hereby permitted shall not be occupied for trading before a Delivery and Servicing Plan has been submitted and approved by the local planning authority. The Delivery and Servicing Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, access to / from the site for delivery and servicing vehicles, and to ensure that there is no conflict between parked vehicles and arriving or departing vehicles in the service yard. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of maintaining highway efficiency and safety in

accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 21 **The development hereby permitted shall not commence before a Stage 1 Road Safety Audit for all access arrangements is submitted and approved in writing by the local planning authority. The Stage 1 Road Safety Audit should consider the four-arm roundabout access within the proposed development site, exit-only egress from the retail car park onto Maylands Avenue and the widening of the signalised junction access with Maylands Avenue.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 22 **At least two months prior to occupation of the development hereby permitted, each occupier of the development (retail, restaurant or office land uses) shall submit a Travel Plan in accordance with Hertfordshire's Travel Plan Guidance to be reviewed and approved by the local planning authority in conjunction with the highway authority. Implementation of the Travel Plan shall follow a timescale to be agreed by the local planning authority and the highway authority.**

Reason: To promote sustainable transport measures to the development in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 23 **Construction of the development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:**

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

Reason: To protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 24 **The development hereby permitted shall not be occupied before a swept path assessment for the proposed four-arm roundabout demonstrating that a 16.5m articulated lorry can safely traverse through the roundabout to access the servicing and delivery areas for the retail buildings is submitted and approved by the local planning authority.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 25 **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 25 to 28 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 28 has been complied with in relation to that contamination.**

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:

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
 - 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;**
- (iii) 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'*.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

26 **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.

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 Dacorum Core Strategy 2013.

27 **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.

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 Dacorum Core Strategy 2013.

28 **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 25 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 26, 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 27.

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 Dacorum Core Strategy 2013.

INFORMATIVE:

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

<http://www.dacorum.gov.uk/default.aspx?page=2247>

- 29 **The development hereby permitted shall not commence construction before an updated Air Quality Assessment has been submitted and approved in writing by the local planning authority. The updated Air Quality Assessment shall be updated to include current baseline monitoring data. The development shall be carried out in accordance with the construction phase mitigation measures as listed within Air Quality Assessment EED14757-100_AQ_R.1.3.1 prepared by Waterman Infrastructure & Environment Limited, November 2016.**

Reason: To safeguard the local environment in terms of air quality in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

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

The scheme shall also include:

- a) Details of how the scheme shall be maintained and managed after completion;**
- b) Details of the proposed drainage scheme providing a drainage plan showing the location of any proposed SuDS, pipe runs and any areas of proposed informal flooding;**
- c) Detailed assessment of the existing surface water flood risk as shown on the EA National surface water flood maps, ensuring the development layout does not place any proposed properties at risk from surface water flooding;**
- d) Justification of SuDS selection giving priority to above ground methods, reducing the requirement for an underground piped system, reducing the requirement for overly deep attenuation ponds;**
- e) Detailed engineering details of the design of the proposed SuDS features;**
- f) Detailed surface water drainage calculations for all rainfall events up to and including the 1 in 100 year + climate change event.**

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy CS31 of the Dacorum Core Strategy 2013.

- 31 The development hereby permitted shall not be commenced until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.**

Reason: The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact on the community in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 32 The restaurant units (Class A1/A3 and Class A3/A5 floor space) hereby permitted shall not be commenced until there has been submitted to and approved by the local planning authority a scheme for ventilation of the premises, including the extraction and filtration of cooking fumes. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.**

Reason: In the interests of the amenity of occupants, visitors and adjoining uses in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 33 A properly maintained fat trap shall be installed to serve any units operating within Class A3 hereby permitted at the application site.**

Reason: To prevent the blocking of drains, sewage flooding and pollution to local watercourses in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 34 **The development hereby permitted shall not commence before an updated Sustainability Statement and Energy Statement showing compliance with Policies CS29 and CS31 of the Dacorum Core Strategy 2013 have been submitted to and approved in writing by the local planning authority. With respect to the office Class B1 outline development, the statements shall be submitted for approval concurrently with the first of the reserved matters to be submitted.**

The development shall be carried out in accordance with the details approved.

Reason: To ensure the sustainable development of the site in accordance with the aims of accompanying Policies CS29 and CS31 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note March 2011.

- 35 **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 2013 and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 36 **No development shall take place until details to demonstrate how the car parking areas will achieve and maintain 'Park Mark' safer Parking Award Status have been submitted to and approved in writing by the local planning authority in consultation with Hertfordshire Police. The car parking areas hereby permitted shall not be brought into use until the approved measures have been implemented in full and shall thereafter be retained.**

Reason: To prevent crime and protect people using the car park in accordance with paragraph 69 of the NPPF and Policy CS12 of the Dacorum Core Strategy 2013.

- 37 **No part of the development hereby permitted shall be occupied before information on the number and location of fire hydrants have been submitted to and approved in writing by the local planning authority. The relevant details shall include details on how the hydrants shall be incorporated into the mains water services whether by means of existing water services or new mains or extension to or diversion of**

existing services or apparatus. The scheme(s) shall be implemented prior to occupation in accordance with the approved details.

Reason: In the interests of health and safety.

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

- **16023 P-003 C – Proposed Site Plan 1**
- **16023 P-004 C – Proposed Site Plan 2**
- **16023 P-005 B – Proposed Site Plan – Combined**
- **16023 P-006 A – Existing And Proposed Site Sections**
- **16023 P-007 A – Proposed Context Elevations**
- **16023 P-008 A – Unit 1 – Proposed Ground Floor Plan**
- **16023 P-009 – Unit 1 – Proposed Roof Plan**
- **16023 P-010 A – Unit 1 – Proposed Elevations And Section**
- **16023 P-011 A – Unit 2 - Proposed Plans , Elevations And Section**
- **16023 P-012 A – Unit 3 - Proposed Plans , Elevations And Section**
- **16023 P-013 - Units 04 To 11 - Ground Floor Plan - Sheet 1**
- **16023 P-014 - Units 04 To 11 - Ground Floor Plan - Sheet 2**
- **16023 P-015 - Units 04 To 11 - Roof Plan - Sheet 1**
- **16023 P-016 - Units 04 To 11 - Roof Plan - Sheet 2**
- **16023 P-017 - Units 04 To 11 - Proposed Elevations - Sheet 1**
- **16023 P-018 - Units 04 To 11 - Proposed Elevations Colour - Sheet 1**
- **16023 P-019 - Units 04 To 11 - Proposed Elevations Colour - Sheet 1**
- **16023 P-020 - Units 04 To 11 - Proposed Elevations - Sheet 3**
- **16023 P-021 - Units 04 To 11 - Proposed Elevations Colour - Sheet 3**
- **16023 P-022 - Units 04 To 11 - Proposed Sections - Sheet 1**
- **16023 P-023 - Units 04 To 11 - Proposed Sections - Sheet 2**
- **16023 P-025 – Phasing Plan**
- **TM271L01 – Landscape Masterplan**
- **TM271L02 B – General Arrangement North**
- **TM271L03 B – General Arrangement South**
- **TM271L04 A – Planting Strategy North**
- **TM271L05 A – Planting Strategy South**
- **TM271-SKP 19 – Transformer Screening Strategy**

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 at the pre-application stage and 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) Order 2015.

INFORMATIVES

Highways

1. The applicant is advised that the storage of materials associated with the construction of the 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. General works within the highway: Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's highway design guide "Roads in Hertfordshire". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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

Contamination

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

Your ref:

Our ref:

19 January 2017

Intan Keen
Dacorum Borough Council
Civic Centre
Hemel Hempstead
Herts
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Dear Intan

**RE: Land at Maylands Avenue, Hemel Hempstead (4/03157/16/MFA)
Review of retail planning policy issues**

Thank you for your instruction to undertake a review of the retail planning policy issues connected with a recent planning application at the above site submitted by Aviva Life and Pensions UK Limited. The application is for:

“Hybrid application comprising: (1) A full application for the construction of 12,503 sq. m of retail (Class A1) floorspace, 545 sq. m of café/restaurant (Class A3/A5) floorspace, 180 sq. m of cafe/restaurant (Class A1/A3) floorspace, a car park with 557 spaces and associated access and landscaping works. (2) An outline application for the construction of an office (Class B1) building measuring 2,787 sq. m”

The application is accompanied by a Planning Statement (PS), dated November 2016, and prepared by Savills (UK) Limited (‘Savills’). The PS includes the planning policy justification for the proposed retail and town centre uses. Subsequently, the applicant requested via their agents for a further relaxation of the expected controls on the goods that can be sold from the development, as set out in an email dated 15th December 2016.

The application site benefits from outline planning permission (extant permission) for ‘Construction of Retail Floorspace (Use Class A1) Measuring 12,503 sq. m, Office Floorspace (Use Class B1) Measuring 3,004 sq. m, Restaurants Measuring 650sq. m, and Associated Car Parking, Access and Landscaping Works’ (reference 4/01132/15/MOA) granted on 1st April 2016 (following a resolution to grant permission by planning committee in December 2015).

The application now under consideration by the Council is a fresh application, rather than a variation of the extant permission. Therefore, the application needs to be addressed on its own merits, although the Council should recognise when determining this application that there is an extant permission capable of implementation subject to approval of reserved matters and discharge of the necessary planning conditions. The weight attached to the extant permission will be addressed by the Council.

The extant permission is subject to a series of controls on the operation of the retail floorspace, as summarised in paragraphs 2.21 and 2.22 of the PS falling within planning conditions and a Section 106 agreement. As summarised in paragraph 5 of the Executive Summary of the PS, the key changes between the extant permission and the new application, in terms of the retail provision and anticipated controls on operation, are as follows:

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Peter Brett Associates LLP is a limited liability partnership and is registered in England and Wales with registered number OC334398.
A list of members' names is open to inspection at our registered office.



- An increase in number of retail units from six to nine
- An increase in the net sales area and the area permitted to be used for the sale of convenience goods (from 1,414 sq.m to 1,950 sq. m)
- An increase in the amount of Class A3 space from 650 sq. m to 725 sq. m
- An extension to the permitted retail use to include the sale of baby and children's clothing and maternity wear from one unit
- An extension to the permitted retail use to include the sale of pharmaceutical goods, toiletries, beauty and healthcare products from one unit (as summarised from the email dated 15th December 2016)

Irrespective of the final point, it is noted that condition 7 attached to the extant permission states that *'no retail unit shall contain a dedicated in-store post office, pharmacy, photo shop or financial services'*. The applicant has not requested for this condition to be removed or amended if planning permission is granted for the new application. This matter is addressed when this request is considered below.

Furthermore, since this is a new application, the Council is also obliged to consider all changes in circumstances. Therefore, as well as the changes to the scheme, the Council need to take into account the fact that permission has been granted on another out of centre site at Jarman Park for the *'construction of class A1 retail development (to include convenience and comparison retail floorpace and ancillary cafe) and class A3 drive-thru cafe/restaurant unit (with ancillary takeaway) together with access, car parking, service yard and associated works'*. This permission was granted on appeal on 4th March 2016. Therefore, at the time of the committee's determination of the extant permission (December 2015), the Jarman Park scheme was awaiting determination by the Planning Inspectorate.

At the time that the previous scheme at Maylands Avenue was considered by the Council, it commissioned PBA to undertake a cumulative impact assessment of the proposed retail schemes in the area, including both the extant permission on the Maylands Avenue site and, at the time, the appeal application at Jarman Park. This advice, dated November 2015, concluded in paragraph 6.3.5 that *'The results of the cumulative assessment exercise demonstrate that DBC should only support either Jarman Fields or Aviva. This is a finely balanced view and DBC will need to weigh this into the planning balance'*. Clearly, at the time, it was not within the Council's gift to determine the Jarman Park application, although it was defending a refusal at appeal on the grounds of retail impact.

It is appreciated that the potential for the Jarman Park application being granted at appeal was taken into account by the Council in its resolution to grant the extant permission in December 2015 (and included a reliance on advice on market demand from Chase & Partners). However, we would strongly advise the Council to carefully consider the situation on cumulative impact once again when determining this application, taking into account the weight it attaches the extant permission.

The applicant has chosen not to address cumulative impact in the comparison sector within the PS and instead at Appendix 14 of the PS has re-attached the original retail impact model that accompanied the application for the extant permission. It should be noted that impact exercise at Appendix 14 is not the equivalent of the cumulative impact assessment undertaken by PBA in November 2015 on behalf of the Council. Furthermore, it is understood that the decision not to address cumulative impact is due to the very small reduction in overall comparison retail floorspace compared to the extant permission. This reason does not take into account the nuances of retail impact assessment, particularly professional judgements on trade draw and diversion which are necessarily influenced by the likely retail profile of the development, which in turn is influenced by the controls and conditions which the development will operate under.



The applicant's decision not to address cumulative impact in the comparison sector is taken despite the fact that this is a new application that needs to be determined on its own merits, the fact that the Jarman Park application has now been granted and there are changes in the composition of the comparison retail floorspace proposed, which would result in different trade draw, turnover and trade diversion assumptions. Similarly, new per capita expenditure is available, as are forecast expenditure growth rates and forecasts for special forms of trading. All these factors could result in difference conclusions on retail impact and, as you are aware, PBA has always advised that the applicant should re-examine cumulative impact and omitting this analysis means that we are unable to reach judgements on whether the cumulative impact of the development, with the additional changes, is acceptable.

Furthermore, the applicant's evidence on retail impact and cumulative impact is highly misleading since in paragraph 7.19 of the PS, footnote 10, it is stated that *'the potential trading impacts of committed schemes (i.e. Jarman Park) are factored in as commitments so this does not effect the baseline data'*. This is wrong. We accept that the base shopping patterns are appropriate to use. However, the commitment modelled was in fact the previous extant permission for a bulky goods scheme at Jarman Park (now expired) and not the more recent development granted on appeal. This is misleading to the reader.

However, at this stage, the Council has instructed PBA to address only the changes in the application from the extant permission as justified within the submitted PS and subsequent email exchanges. Therefore, it is understood that the Council will consider the implications of cumulative impact in the comparison sector within its committee report, taking into account weight it attaches to the extant permission as a material consideration and its likelihood of being implemented taking into account the applicant's desire to widen the goods that can be sold in order to attract tenants.

Section 38 (6) of the Planning and Compensation Act 2004 Act states that *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*. The development plan comprises the Dacorum Local Plan (DLP), adopted in 2004 and the Dacorum Core Strategy (DCS), adopted in 2013. An important material consideration comprises the National Planning Policy Framework (NPPF), published in 2012.

In terms of retail planning policy matters, given that the site is 'out of centre' a sequential test is required for applications for main town centres (including retail) that prioritises sites within and on the edge of designated centres. This is required by Policy 44 of the DLP, Policy CS16 of the DCS and paragraph 24 of the NPPF. The application also requires an assessment of retail impact, as required by the two policies referenced above in the development plan, as well as paragraph 26 of the NPPF. As explained by paragraph 27 of the NPPF, failure of the sequential test or evidence that there is a likelihood of a significant adverse impact on a town centre would warrant a refusal.

Addressing the sequential test first and taken into account the assessment of alternative sites as provided in Section 6 of the RS, we can agree that at the time of writing (January 2017) that the application site is sequentially preferable for the uses proposed. Therefore, the sequential test has been met.

Turning to the impact assessment, the changes to the scheme compared to the extant permission are more connected to assessments of retail impact, rather than the sequential test. Taking into account our concerns above over the lack of a cumulative impact assessment, each of the changes are addressed in turn with reference to the key passages in the PS (re-ordered so it is consistent with the order of the arguments in the PS). At the Council's request, we have also provided advice on the relevance of named retailers, before a conclusion is presented.



Increase in number of retail units

The number of units will increase from six as permitted in the extant permission, to nine (representing a net increase of three units). The PS makes it clear in paragraph 7.27 that the total amount of floorspace will remain consistent and in 7.29 that the minimum unit size will remain as per the extant permission (650 sqm). Surprisingly, the PS states in paragraph 7.28 that there will a '*small net increase in the number of operators*'. Although arguably small in number, it represents a 50% increase and would result in three additional businesses. However, it is recognised that increasing the number of units does not automatically lead to an increase in turnover, since the turnover calculations are based on floorspace rather than unit. However, subject to the eventual tenant line up, the increase in number of units could result in a higher turnover than the extant permission.

The justification in the PS requesting that the Council does not include this control when determining the new application is rather limited. It appears to be contained in the analysis within paragraphs 7.30 and 7.31 setting out the scale and range of units in Hemel Hempstead and Berkhamsted town centres, with a mix of retailers. However, there is no analysis of the breakdown of the uses, the size of the units or the likely overlap in retail property offer. Furthermore, as explained above, the applicant has chosen not to update the comparison retail impact assessment. Increasing the number of units could result in different assumptions on trade draw and diversion, with a larger number of units presenting greater choice and therefore increased dwell time at an out of centre location.

It is considered that the additional units and therefore choice would have some harmful impact on the Hemel Hempstead town centre on the grounds of increasing the attractiveness of an out of centre detail destination from a qualitative perspective. Taking into account the evidence it is considered that, on its own, this harm is not so great to justify insisting that the six unit limit remains, particularly since the 650 minimum sqm threshold will not be breached and thus ensuring that the development retains its characteristics that distinguish itself from the town centre. However, the Council need to take into account all proposed changes to controls when judging whether the impact is significantly adverse or not.

Increase in the amount of floorspace used for the retail sale of convenience goods

Before the increase in floorspace used for the sale of convenience goods is addressed, it is noted that in paragraph 7.33 of the PS, it is claimed that the reduction of 48 sq.m of comparison floorspace would reduce the turnover of the proposed development by approximately £0.3 million, reducing its impact on defined town centres. We advise the Council to give very limited weight to this claim.

On this basis of a £4,000 per sqm net turnover, the reduction in turnover would be £192,000 annually, somewhat lower than the £300,000 claimed by the applicant. However, at this level of difference, the changes in turnover are within the margins of a sensitivity analysis and may well be offset by, for example, the increased attractiveness of the scheme vis-à-vis the town centre due to the increased number of units, as above.

Turning to the increase in convenience floorspace, there is an increase of some 486 sqm compared to the extant permission, resulting in a total of 1,900 sqm over two units. The units in question are 1 (1,753 sqm gross) and 5 (674 sqm gross) and would represent 2,427 sqm gross in total (note this is a little higher than the figure quoted in Appendix 15 of the PS). The gross to net ratio for the two units in combination assuming the 1,900 of convenience floorspace is all found in these two units would be about 78%. This is on the high side of what we would expect for a convenience retailer and this assumes that it trades 100% convenience goods. However, if the net to gross ratio was lower, then the net floorspace would also be lower, reducing any financial impact. So this represents a worse case approach in terms of floorspace.



We would expect a foodstore to trade some comparison floorspace, with the quantum subject to the eventual operator. Therefore, when monitoring the controls on floorspace and given the condition wording attached to the extant permission, in a situation where there is comparison floorspace in convenience stores and vice versa, the Council should account for this floorspace within the overall cap for the relevant category for consistency. Given the general broadening of the goods sold by certain retailers in the UK, particularly discounters, this is an important exercise to ensure that the eventual scheme is consistent with the parameters tested within the impact assessment.

In respect of the testing the impact of the uplift in turnover of the additional convenience floorspace, an updated impact assessment has been provided at Appendix 15 of the PS, testing impact at 2021 and 2023. As explained in paragraph 7.36 of the PS, the anticipated operators are a Limited Assortment Discounter and a 'higher order, specialist operator'. Neither operator is named.

Having reviewed the quantitative methodology, we have a number of concerns over the robustness of the analysis as follows:

- It appears (although it is not clear from the PS) that the new convenience analysis has not updated the expenditure base, expenditure growth projections, population projections and simply relies upon the previous base assessment used to justify to extant permission. If we are correct and given this is a fresh application, the approach is concerning. However, the applicant should be invited to clarify.
- The importance of updating the expenditure data is important, given that the latest projections (for example in Experian's Retail Planner Briefing Note 14, November 2016) show the sector's growth either declining or flat until post 2023.
- The reduction in the assumed sales density for the floorspace from £12,000 to £10,000 per sqm net is not justified without naming the retailers. There is a rather general reference to Mintel and Verdict (2016), which is surprising since the applicant have not updated the remainder of the analysis.
- Despite suggesting the turnover would be different, the PS retains the £12,000 per sqm net turnover in Table 1 (Appendix 15) which is then translated into the assessment of impact at Tables 2 and 3.
- In tables 2 and 3, the total trade re-apportioned is 97% of the total turnover. The missing 3% is not accounted for.
- At column D, the table mistakenly entitles the percentages 'trade draw' rather than 'trade diversion'. There is no evidence of the likely trade draw of the scheme; trade draw concerns the geographical area that trade will be generated rather than the diversions from destinations (as set out in the NPPG) and helps verify the expected trade diversion.
- Without this key element of the analysis on trade draw, it is difficult to properly review whether the resultant trade diversions are reasonable. Given this exercise was undertaken in PBA's November 2015 report, it would have been straightforward to update and the differences presented.
- Similar to the approach for the comparison sector, the applicant has chosen not to update the cumulative assessment to take into account the permission at Jarman Park (and it is recommended that this is addressed, either by the applicant or by the Council in their committee report).

It is unfortunate that the applicant has not chosen to properly evidence their application or update their analysis. Given the basis of the analysis has been set out in our report from November 2015, we would have expected this scheme to replicate this approach in order to justify the applicant's changes. Furthermore, based on the evidence that has been provided, we do have some methodological concerns over the applicant's approach to assessing retail impact as outlined above. Therefore, PBA advise that the analysis is updated addressing the concerns above. It is recognised that PBA's November 2015 advice found that there would not be a harmful cumulative impact on the convenience sector from three schemes and this included a Lidl store of



some 982 sqm net of convenience floorspace. The application for this Lidl was refused and an appeal has not been submitted. Therefore, subject to the applicant undertaking the necessary analysis (bearing in mind the changes in convenience forecasts) and taking a proportionate approach to the evidence (bearing in mind it is not our role to justify the scheme), it is expected that the increase in net convenience floorspace could be acceptable.

Extension to the permitted retail use

The applicant is seeking two changes to the permitted retail uses in the extant permission, requesting sale of baby and children's clothing and maternity wear from one unit and the sale of pharmaceutical goods, toiletries, beauty and healthcare products from one unit. The PS addresses only the justification for the first of these two requests, with the second addressed through email exchanges with the case officer. Each request is addressed separately.

Baby and children's clothing and maternity wear

Should this application be granted, the applicant is seeking a variation to the legal agreement that would also allow for the primary sale of baby and children's clothing and footwear and maternity wear from one unit at the application site. This is to enable Mothercare to trade from one of the units. It is accepted that other categories of goods sold by Mothercare can be sold from the development under the extant permission. Indeed, Mothercare could presumably lawfully trade from the unit where up to 49% can be used for the sale of clothing etc... although it is assumed an alternative tenant is being targeted for this unit.

The introduction of a second unit that can sell up to 49% clothing to enable Mothercare to trade is understood, although as explained below the Council need to consider how much weight they attach to the identity of the occupier. Irrespective of this point, the Heads of Terms set out a very specific set of clothing goods, which will only be sold by a limited number of retailers (rather than an open ended clothing permission). Furthermore, Mothercare are likely to be the main, or possibly only, candidate to operate from a store under these controls at the current time. An alternative could be Mamas and Papas from one of the smaller units.

Having reviewed the evidence, it is noted that at Table 7.3 the existing retailers within designated centres selling baby and children's clothing are listed. It is understood that both Primark and Marks and Spencer also sell children's clothing, although as part of a wider range of fashion goods. However, there is no equivalent to a Mothercare in Hemel Hempstead (i.e. selling both children's clothing and nursery equipment/toys) and this is a clear qualitative gap in shopping provision locally. It is recognised that Jojo Maman Bébé is located in Berkhamstead, but this is a much smaller store than a Mothercare and there is a price differential in its offer.

There is a suggestion in the PS that Mothercare '*cannot trade from town centre locations*'. We would dispute this point, since no evidence from Mothercare itself has been provided. However, given that Mothercare do not currently trade in Hemel Hempstead town centre, and we understand have previously closed in the town, it is accepted they are unlikely to re-open in the town centre, even if there was a unit available.

The PS also argues that the average turnover of £3,405 per sqm net for the Mothercare would be lower than the turnover assumed for the extant permission of £4,000 per sqm net. This argument is acknowledged and agreed. Therefore, taking into account the qualitative gap for this type of retailer, the fact that the existing children's clothing provision is within existing stores selling other products, the low level of turnover per sqm net vis-à-vis the turnover used in the extant permission means that we can agree that this change on its own would not cause an unacceptable impact on any designated town centres.

Pharmaceutical goods, toiletries, beauty and healthcare products



The request for this change is due to an interest from Boots to trade from one of the permitted units, complementing its existing store in the town centre. This request came in after the submission of the PS and therefore the use has been subject to justification through an exchange of emails with the case officer, rather than any evidenced submission. As explained below

The initial justification is rather straightforward as follows:

- The proposed use would not lead to a material uplift in the comparison turnover (an argument that the applicant conceded was incorrect – see below)
- The proposed use does not seek to increase the amount of convenience floorspace and therefore there is no impact on trip generation
- Boots can already trade from the extant permission at Jarman Park and Boots would only operate from one of the two stores

The applicant's argument that Boots could also trade from Jarman Park has little relevance. Jarman Park is a different scheme, where the Council did not determine the application. This application at Maylands Avenue needs to be judged on its own merits, rather than base what theoretically could happen elsewhere. Indeed, it could be argued that the potential for Boots to trade from Jarman Park is all the more reason to retain the control at Maylands Avenue. Furthermore, since the applicant has not decided to look at cumulative impact, the implications of potentially two out of centre stores selling these sort of products has not been examined.

Following a challenge to the turnover argument, the applicant conceded that there would be an increase in turnover per sqm net. Rather than using the published sales density for Alliance Boots, the applicant seeks to artificially deflate the level of turnover to £5,856 sq. m, using the following justification which apparently was apparently agreed at a public inquiry

'Mintel provides a sales density for 'Alliance Boots UK' of £9,136psm at 2014. Of Boots' total UK revenue of £6.34bn for the year ending March 2014, £2.2bn of this was generated from dispensing medical prescriptions. We have therefore adjusted the published sales density to remove 90% of NHS Prescription income given it does not constitute retail expenditure. This results in a revised 2014 sales density of £5,651psm. This figure is subsequently grown by 1.8% per annum to reach a figure of £5,856psm at 2016.'

The applicant has declined to reveal where this figure was agreed, which is somewhat surprising since they are seeking for it to be accepted by the Council. Furthermore, we consider that the analysis used to justify the deflation flawed. For example, if making an adjustment as undertaken by the applicant and when calculating a sales density, the removal of the revenue from dispensing medical prescriptions needs to be aligned with the removal of the floorspace associated with this element of Boots stores across its portfolio. Otherwise, when calculating a sales density, the total turnover is being applied to some floorspace that has no revenue associated with it, artificially reducing the turnover per sqm on average. It is somewhat puzzling for the applicant to suggest that their approach is 'worse case' when it plainly is not.

Consumer spending on medical prescriptions is retail expenditure and is spent through retail outlets. However, if we understand the applicant's argument correctly, it is saying that only 10% of expenditure on prescriptions is 'paid for' with the remainder 'free' yet funded by the NHS to Boots. It would be helpful to see the detail of this evidence to verify the claim, although the logic seems sensible and it can be agreed that this 90% (if correct) is not retail expenditure for the purposes of a quantitative retail impact assessment.



The applicant has also suggested that the figure they cite includes VAT at 15%. The percentage figure is appropriate, as some items that Boots sell will not be subject to VAT. However, it seems that the £9,136psm at 2014 cited by the applicant actually excludes VAT according to Mintel. Therefore, we are unclear whether the applicant has included VAT in their calculations to reach £5,651psm. A more detailed explanation of the overall approach to the calculation would have assisted.

In summary, we have some doubts over the validity of the applicant's calculations on turnover for Boots. However, even if they are correct, the applicant acknowledges that the turnover of Boots will be higher than the extant permission tested. Indeed, it will be significantly higher and the type of goods will directly compete with Hemel Hempstead town centre. Furthermore, even where dispensing prescriptions are free and can be discounted from a quantitative exercise, they clearly do attract footfall and represent an important retail service within a town centre. Given the importance of Boots to Hemel Hempstead town centre, we are concerned at the potential impact from loss of trade and footfall.

As explained above, there is a condition attached to the extant permission that prevents a pharmacy and it is expected that the Council will retain this condition should it grant permission for the new scheme. Therefore, Boots could only trade without a pharmacy and in our experience this is unlikely for a large store. Irrespective of this point, Boots remains an anchor in the town centre and its role is an important footfall generator for the town centre. Whilst we understand the concept of dual town centre and out of centre formats, the Council has no control to ensure this scenario happens.

At this stage, given the uncertainties above and lack of robust evidence, it is considered that the introduction of this additional use introduces an uncertainty that leads to a conclusion of a likelihood of a significant adverse impact from the development. Combined with other uses already proposed and the additional impacts above, it is considered that the Council should strongly resist this change and should maintain the ability to prevent the sale of *'pharmaceutical goods, toiletries, beauty and healthcare products'*.

Increase in the quantum of A3 floorspace

There is a small increase in the quantum of A3 floorspace of 75 sqm to allow for a specific operator. Whilst we would not go so far as to suggest that this is 'de minimis', we accept in the context of the application scheme and the size of the town centre, this level of increase of A3 floorspace will not harm the town centre and therefore is not unacceptable.

Relevance of named retailers

The Council have raised a query over the relevance of named retailers, and the weight they should attach to them. A planning permission will run with the land and therefore the consideration should primarily be limited to the type of retailer that could occupy floorspace. However, in certain situations, there are only a limited number of retailers that could occupy a retail unit if tightly worded controls are in place. Furthermore, a retailer's identity can often help inform conclusions on retail impact.

There are situations where a named retailer is relevant and its future intentions are relevant to the Council's judgement on retail impact, for example where that retailer has a town centre store already. Even where there is no named retailer, often the potential for retailers to relocate from the town centre is important. In such situations, there are two options in respect of potential controls. One is a 'keep open' clause to ensure that the retailer in question retains a presence in the town centre. A second is a 'no poaching' condition, where it is agreed that the scheme will not let the space to retailer that already occupies space in the town centre. Both these approaches are acknowledged as lawful planning tools to assist in mitigating retail impact. However, their



effectiveness needs to be weighed in the planning balance. As we understand matters, neither approach is on offer from the applicant.

Summary and conclusion

In summary, it is recommended that the Council satisfy itself over cumulative impact (as explained on page 2 of this letter). It is agreed that the sequential test is met. In respect of retail impact, given that it is acknowledged that there will be a retail impact, the question is whether the additional changes will result in the overall retail impact of the scheme being significantly adverse. Subject to the Council being satisfied over cumulative impact, and assuming that the Council is satisfied over all other matters, we conclude as follows:

- The increase in the number of units from six to nine is acceptable
- The increase in convenience floorspace could be acceptable, subject to the applicant updating their analysis as suggested in this letter
- The extension to the permitted retail use to include the sale of baby and children's clothing and maternity wear from one unit is acceptable
- The extension to the permitted retail use to include sale of pharmaceutical goods, toiletries, beauty and healthcare products from one unit is currently not acceptable

If there are any queries, please contact us.

Yours sincerely

For and on behalf of
PETER BRETT ASSOCIATES LLP

**4/03157/16/MFA - HYBRID PLANNING APPLICATION FOR THE REDEVELOPMENT OF SITE TO PROVIDE 12,503 SQM RETAIL (CLASS A1) FLOOR SPACE, 545 SQM OF CAFE/RESTAURANT (CLASS A3/CLASS A5) FLOOR SPACE, AND 180 SQM OF CAFE/RESTAURANT (CLASS A1/CLASS A3) FLOOR SPACE, WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING (DETAILS SUBMITTED IN FULL); AND OFFICE (CLASS B1) BUILDING MEASURING 2,787 SQM (DETAILS SUBMITTED IN OUTLINE).. LAND AT MAYLANDS AVENUE, MAYLANDS AVENUE, HEMEL HEMPSTEAD.
APPLICANT: Aviva Life and Pensions Uk Ltd.**

Appendix B: Summary of representations

NGK Spark Plugs (UK) Ltd, Maylands Avenue

Our comments revolve around traffic flows resulting from this development. Our concerns are largely the same as they were for the previous application.

It is stated, "As is evident above, the site has been granted permission for a significant amount of office floorspace and associated car parking, of which only a small element has been implemented." This is true but our position is that the traffic flow is significantly heavier since that permission was granted, We do not measure it but we live with it.

It is also stated (2.13), "The above, extant, development was assessed as acceptable to HCC as the highway authority. Analysis of traffic flows expected to be generated by the extant permission proposals was reviewed within the outline retail scheme on the site." Again true, but again, the current traffic flows are significantly different (worse). Peak hours are especially worse and the progression seems to work in steps, most noticeably in September of each of the years 2013, 2014, 2015, and 2016.

It is true (3.52) that "The site currently has a planning permission for a large level of B1 office land, only part of which has been implemented." We are grateful for that and, while it may be that permission can not be withdrawn, we urge you to reconsider the conclusions regarding the adequacy of the road system.

Finally (5.12), "This junction has been designed in order to accommodate the previous extant office development consent, and therefore has been deemed appropriate for significant volumes of traffic." We believe that this is true only of the internal site traffic. We understand that the access road will be expanded to two lanes but that won't help the traffic on Maylands itself.

You can see that we are merely making one overall comment in 4 different ways ... what do we do about the traffic, indeed current traffic? Thank you for your attention.

Strategic Planning and Regeneration

Draft – to be finalised in light of any further evidence from the applicants and further advice from PBA

1. The permitted scheme

Outline planning permission (4/01132/15/MOA) has been granted for retail development (12,503 sqm), offices (3,004 sq. metres) and restaurants (650 sqm) at

this site. Please refer to our comments of 1 December 2015 on this application.

The relevant conditions attached to this permission are summarised as follows:

- The gross retail floor area shall not exceed 12,503 sqm. The net retail floor area shall not exceed 9,290 sqm. comprising a maximum of:
 - 1,414 sqm of convenience food goods
 - 7,848 sqm of comparison non-food goods
- The retail units shall have a minimum gross internal area of 650 sqm.
- There shall be no more than six retail units.
- No retail unit shall contain a dedicated in-store post office, pharmacy, photo shop or financial services.
- The Class A3 floorspace shall be limited to 650 sqm (GIA).
- The outline permission was also granted pursuant to a Section 106 Agreement which imposed the following additional limitations on the permitted retail use of the approved retail floorspace:
 - Not more than one unit can be used for the sale of goods related to sports and outdoor pursuits, provided not more than 49% of the net sales area of that unit is used for the display of sports and outdoor pursuits clothing and footwear.
 - Not more than one unit can be used for the sale of clothing (excluding sports clothing), footwear, jewellery and fashion accessories, toiletries and cosmetics provided it is limited to 49% of the net sales area.
 - Notwithstanding the above two restrictions, no more than 3% of the net sales area of units can be used for the sale of food and drink, clothing and footwear, jewellery and fashion accessories, pharmaceuticals, toiletries and cosmetics.

2. The current application

The application is a hybrid and seeks full planning permission for the retail development and restaurants and outline permission for the offices.

The key changes between the extant permission and the new application, in terms of the retail provision and anticipated controls on operation, are as follows:

- An increase in number of retail units from six to nine.
- An increase in the net sales area and the area permitted to be used for the sale of convenience goods (from 1,414 sqm to 1,950 sqm).
- An increase in the amount of Class A3 space from 650 sqm to 725 sqm.

- An extension to the permitted retail use to include the sale of baby and children's clothing and maternity wear from one unit (xxx sqm).
- An extension to the permitted retail use to include the sale of pharmaceutical goods, toiletries, beauty and healthcare products from one unit (xxx sqm).

A condition is suggested by the applicants to stipulate that no more than 2,612 sqm (GIA) of the total retail floorspace (Class A1) shall be provided at mezzanine level.

557 parking spaces are proposed, marginally more than the 553 spaces in the outline permission.

With regard to the office development, the application only seeks approval for the principal of the land use and quantum of space (2,787 sqm, compared to 3,004 sqm in the outline permission). All other matters relating to the offices are reserved for future consideration. A notional development site for the offices is located in the south of the site, facing Breakspear Way (whereas the outline permission showed the offices in the north of the site fronting Maylands Avenue). The timescales for the offices is uncertain given the lack of office demand.

3. Planning policy context

(i) National context

The proposed retail development should be considered against paragraphs 24-27 in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance on 'Ensuring the vitality of town centres'.

Given the site's location and the scale of retail development proposed, a sequential test should be applied and a retail impact assessment is required.

NPPF paragraph 22 is also relevant as the proposed development involves land allocated for employment use.

(ii) Dacorum planning policy context

An overview of the Council's planning policies for the site is provided below and more details can be found in the Appendix at the end of these comments:

Dacorum Local Plan (April 2004)

Most of the Aviva site is located in the Maylands Avenue General Employment Area (GEA), which is allocated for business use in saved Local Plan Policy 31. This GEA is designated as a 'Core Office Location' in this policy. The southern part of the site is protected as 'open land' through saved Policy 116.

Saved Policy 44 requires shopping proposals outside defined centres to demonstrate that a sequential approach to site selection has been followed and that there is a need for the development.

Maylands Master Plan (September 2007)

The master plan shows the Aviva site as located in the Maylands Gateway character

zone and states that Maylands Gateway will be a first rate business park for uses such as higher education, HQ offices, conference facilities and hotel uses. The Maylands Gateway character zone shows employment development on the open land protected by saved Local Plan Policy 116, as well as the GEA land.

Maylands Gateway Development Brief (July 2013)

A revised brief on the Maylands Gateway site was approved by the Council as a planning policy statement in July 2013. This document is more flexible over the type of jobs to be provided, including high quality B8 developments given current economic circumstances.

Dacorum Core Strategy (September 2013)

A key aim of the Core Strategy is to encourage employment development on the Maylands Business Park. Core Strategy Policies CS1, CS14, CS15 and CS34 and Figure 18 are particularly relevant. Policy CS34 provides detailed guidance on the Maylands Business Park and states that specific opportunities for each character zone are identified in Figure 18. Figure 18 states that the type of uses suited to the Maylands Gateway will primarily be HQ offices, conference facilities and a hotel.

Core Strategy Policy CS16 (shops and commerce) directs most retail development to the town and local centres. The policy also makes it clear that:

“New retail floorspace will only be permitted outside of defined centres if the proposal complies with the sequential approach and demonstrates a positive overall outcome in terms of the impact assessment.”

Site Allocations Development Plan Document

Following the Site Allocations public hearing (October 2016) and the Inspector’s initial note, the Council is now consulting on the ‘Site Allocations Modifications December 2016’. Substantial weight should now be given to the Site Allocations document, given the advanced stage it has now reached. It is expected that the Site Allocations document will be adopted by the council in spring or summer 2017.

However, the Site Allocations document does not deal with the Maylands Business Park, including the current application site. It was intended to cover this area in the East Hemel Hempstead Area Action Plan, but it is now expected that it will be considered in the single Local Plan. The Site Allocations document does include proposals for employment and retail development elsewhere in Hemel Hempstead.

Dacorum single Local Plan

Work has started on the evidence base for the single Local Plan. Once adopted, the single Local Plan will replace the existing saved Local Plan policies, the Core Strategy and the Site Allocations.

4. Examination of key planning policy issues

The key planning policy issues raised by the current application are examined below. In examining these issues, we have taken account of the advice provided to the Council by PBA in their letter of 19 January 2017.

Note: This section of these policy comments will be expanded next week and amended in the light of any further evidence from the applicants and advice from PBA.

Issue 1: How much weight should be given to the extant permission for retail development on the site?

High weight.

Issue 2: Does the proposed development meet the sequential test?

Yes – see page 3, paragraphs 5 and 6 of PBA’s 19 January letter.

Issue 3: Would the proposed retail development on the site and at Jarman Park have an unacceptable cumulative impact on Hemel Hempstead town centre?

PBA’s advice is that a cumulative impact assessment should be carried out (last paragraph on page 2 and paragraphs 1-3 on page 3 of PBA’s letter). They have also advised by email that:

“Our advice is firm on this point. Failure to address this and to be consistent with our November 2015 advice, it would be to refuse the whole application.”

The applicants have not provided such an assessment and seem unwilling to do so. If this continues to be the case, we should commission PBA to undertake the cumulative impact assessment.

The cumulative impact assessment should take account of the planning permission granted on appeal (since the approval of the outline application on the Aviva site) for retail development at Jarman Park. The Jarman permission is for 10,305 sqm (gross internal area) of class A1 retail floorspace, subject to a condition preventing the sale and display clothing and footwear, unless ancillary to the main use of an individual unit.

Issue 4: Is the increase in the number of retail units acceptable?

Yes – see PBA letter, page 4, paragraphs 1-3.

Issue 5: Is the increase in the amount of floorspace used for convenience good sales acceptable?

See PBA’s letter, pages 4-6.

PBA have a number of concerns over the robustness of the analysis. They conclude that the analysis should be updated to address their concerns. They add that subject to the necessary analysis being undertaken, it is expected that the increase in net convenience floorspace could be acceptable.

Issue 6: Is the proposal to include a unit selling baby and children’s clothing and maternity wear acceptable?

Yes – see PBA’s letter, page 6.

Issue 7: Is the proposal to include a unit selling pharmaceutical goods, toiletries, beauty and healthcare products acceptable?

No – see PBA’s letter, pages 7 and 8.

The proposal is that Boots are allowed to occupy one of the units.

PBA have some doubts over the validity of the applicant’s calculations on turnover for Boots. In any case, the turnover will be higher than the extant permission tested. PBA are concerned at the potential impact on Hemel Hempstead town centre from loss of trade and footfall

PBA considers that the Council should retain the condition preventing a pharmacy if the application is approved.

Given the uncertainties and the lack of robust evidence, PBA concludes that there is a likelihood of significant adverse impact on the town centre from a Boots store on the site.

The advice from PBA (bottom of page 8/top of page 9) on ‘relevance of named retailers’ refers to a possible ‘keep open’ clause. This which would require Boots to keep open their town centre store for a period of time (PBA suggests this should be for at least 5 years). However, they comment that this approach has not been offered from the applicant.

Issue 8: Is the proposed increase in the quantum of A3 floorspace acceptable?

Yes – see page 8 in PBA’s letter.

Issue 9: Is the reduced office floorspace and the changed location of the offices acceptable?

No objection to the modest reduction in the office floorspace.

No objection in principle to the proposed location of the offices in the south of the site – but see concerns about deliverability in issue 10 below.

Issue 10: Is the office development deliverable given the proposed layout of the retail development?

Probably not.

No plan has been produced showing the potential location of the offices or the access arrangements to it.

It appears that access would be through the middle of the car park for the retail park. However, it seems highly unlikely there would be any interest in building or occupying offices in such a location. Indeed, it appears that the only type of development that could realistically take place in this location is more retail.

Also, we need to seek highways advice on whether access to the offices through the retail park car park would be acceptable on safety grounds (this is probably unlikely).

The Council should not approve the application unless we are satisfied that the proposed offices are deliverable. The applicants should demonstrate to us that the offices are deliverable – in particular, they should be asked to provide a plan showing the potential office location and access arrangements.

6. Conclusions

Conclusions will reflect examination of issues 1-10.

Other less important matters will also be mentioned. For example, mention the need for a condition on mezzanine floorspace, as suggested by the applicant.

Strategic Planning and Regeneration further comments

The Chase and Partners (C&P) report is only just over a year old. Since the report was completed, no further health checks of Hemel Hempstead town centre have been carried out as far as I am aware. However, the health of the town centre has probably improved since then, given that:

- A few months ago, a survey showed that vacancy rates in the town centre had fallen appreciably and were now (I think) below the national average. I don't know who this study was carried out by and what the vacancy rate in Hemel town centre is.
- The completion of further stages of the Council's Hemel Evolution project have increased the attractiveness of the town centre.

Therefore, I think we can still rely on what C&P said about the town centre's health.

Another important point is that major refurbishment by Capital & Regional (C&R) is likely to boost the health of the town centre in the future. They have purchased the Marlowes Centre (see C&P report paragraph 3.18) and significant stretches of Marlowes i.e. Edmunds Parade (C&P paragraph 3.19 and Appendix 6) and Fareham House. In March 2016 commercial agents Cushman and Wakefield announced as follows:

"C&R buys in Hemel Hempstead

Capital & Regional has acquired Fareham House in Hemel Hempstead in a £7.8m off-market transaction.

The property is adjacent to two other sites owned by C&R, Marlowes shopping centre and Edmunds Parade, which the company bought in February.

Together the properties cover 340,000 sq ft across 87 shops.

The purchases cost £53.8m and represent a yield of 7%.

Chief executive Hugh Scott-Barrett said:

“We have worked hard to acquire Fareham House off-market and the transaction represents a considerable success in the opportunity that we now have in Hemel Hempstead, a strong South East commuter town with significant growth potential that has historically been under-invested in.

“Together, the three acquisitions we have undertaken provide us with effective control of the town centre retail offer and unlock attractive longer-term prospects for a more comprehensive development and repositioning that fit well with our asset management capabilities.” “

C&R are now drawing up proposals for major refurbishment of the land in their ownership. However, I don't think we can say much about their emerging proposals at this stage.

Conservation and Design

Following a review of the proposals we would comment as follows:

Unit 1

Proposed supermarket

We would recommend that alterations be made to the design and materials to help break up the unit to add to the visual interest given its prominence within the site. This is due to the prominent location within the site and the alterations to the landscaping such as the swale which will add to the prominence of the building.

In particular we would recommend that elevations AA, DD and the northern end of BB be altered. AA will be the most prominent elevation when within the retail space. We would be concerned that there is a lack of visual interest due to the substantial area of brickwork and it should be broken up. Elevation BB will be located beyond the Swale. Due to the drop created by this the supermarket will appear higher and give more prominence to this elevation from the adjacent road. DD will be visible within the retail park area and would appear to be close to the landscaping area around the people building. Given this location the elevation would be prominent within the public environment of the site. It may be useful to contemplate using other materials such as corten or powder coated aluminium panels to relieve the brickwork. Other options could be to create bays of feature panels within the brickwork using either different bonds or brick types. The brickwork to the retaining wall/ walls to the frontage adjacent to the swale should also have some visual interest which perhaps includes piers and an ornamental brick bond such as garden wall bond.

Unit 2

We note that this building will be a feature when approaching the retail park. It appears to be of a standard design used elsewhere. To create a character and defined space within the retail park it would be useful to review the design and reflect the character of unit 11 at the opposite end of the park as these buildings will provide the entrance

features to the retail park. It may also be useful to consider re-orientating the building so that there is some active frontage to the elevation towards the road and that there is a stronger visual appearance at the entrance as at present the proposal steps up and back into the site. This element of the scheme should be reviewed.

Unit 3

Given the close location and prominence within the site unit 3 should relate to and reflect the redesigned unit 2 and unit 11 in terms of materials and design features. At present it appears to be a standard design used elsewhere and fails to reflect the character of the area or the retail park. In particular we would be concerned about the design and detailing of the clerestory element which given the depth of the eaves and the overall proportions fails to sit comfortably with the structure below. Instead it would be recommended that similar features and materials to units 2 and 11 would help to create a sense of identity and cohesiveness within the retail park which would be desirable.

Units 4-11

In general these proposals are acceptable but we would require a sample of materials by condition and it would be recommended that a suitable local brick or one which matches the colour of the local brickwork be used to help reflect the character of Dacorum.

Transformer/ Car Parking

The proposed transformer appears to be at a prominent location within the site. This should either be moved to a less prominent location or be concealed with appropriate soft and hard landscaping. Design features could perhaps be added again to reflect the character of the wider retail park perhaps using matching brickwork. The car park dominates the site and it would be hoped that this could be reviewed to perhaps soften the space. Tree planting could help as could more pedestrian friendly aspects as traffic currently dominates and in particular linking units 2 and 3 with the rest of the site. It would be recommended that standard guardrails be avoided and traffic signage is limited.

Recommendation

Overall we would support the proposals however the design and materials used need to be reviewed particularly units 1, 2, 3 the transformer and the landscaping. We would therefore recommend that further revised proposals be submitted.

Conservation and Design further comments

No formal comments however further advice noted in report.

Trees and Woodlands

Tree Protection Plan – drawing number 8895 TPP 01 Rev E (North) and (South)

I'm comfortable with many of the planned tree removals across the site. There are trees of poor condition and low amenity value whose retention would not be desired.

There are also trees of moderate value that are positioned too close to boundaries or that have self-set where there is no viable future for them.

The removal of five high quality Pin Oaks is regrettable but recognised as vital to the development of the site.

I was initially concerned about the number of tree removals specifically along the site frontage on Maylands Avenue. The many and varied selection of trees planted during there during the development of the People Building and health club are now developing into fine specimens. The aesthetic impact of these tree groups is considerable.

However, following site inspection I agree with removal plans along part of the frontage. A number of these trees have growth defects or poor form that will limit longevity. Others are located too close to street furniture or in positions where their root systems will be significantly affected by proposed construction.

It is intended to retain six trees along the Maylands Avenue boundary to the north of the existing vehicular access. Trees are well spaced out and positioned far enough from the site edge to avoid maintenance issues on the public highway.

However, to the south of the vehicular access the number of retained trees is extremely low, only one Oak is to be kept. Proposed planting does little to positively affect the aesthetic impact of this. Plans show that eight trees are to be planted in mitigation for the loss of 20+ individual trees, a hedge and several tree groups. The new trees are shown as three close to the junction, one on the car park edge and four widely spaced along Maylands Avenue.

Current proposals would create a landscape whose impact varies greatly to either side of the entrance way.

The four widely spaced Liquidambar's appear on plans to be too close to the public highway. It is probable that their positioning will cause future issues to the surfaced multi-use pathway through root damage and leaf fall / shading. The Liquidambar's should be moved back into the site, away from the boundary so that their canopies can develop without frequent intervention.

Although the four Liquidambar trees will eventually provide an impressive visual display, combined with a Liriodendron to the rear, their initial impact will be low and seemingly will conflict with the varied and interesting northern frontage. The southern section will appear sparse with large gaps between trees. The intended purpose of landscaping here is to "reinforce the parkland aesthetic." It is rare that modern urban parkland has regimented single species row planting, so I recommend that further planting is located within this area that creates a varied aesthetic. The visual impact of species such as Liquidambar is heightened when planted near to contrasting canopy shapes and colours. The Liriodendron will provide contrast but needs supplementing with more variety.

More planting will obviously screen the development to a greater extent but not to the point where views are heavily restricted. The careful placement of individual and grouped trees will still afford multiple views of the new retail units from along Maylands Avenue.

The Liriodendron itself is to be planted adjacent to a footway and the car park. Whilst falling leaves on the path can easily be managed by the site operator, falling debris on parked vehicles and root damage to hard surfaces are more tricky to deal with. It would seem sensible to move the tree away from the car park, further onto the green open space.

The chosen selection of species is good and could give a very positive impact to the development if a greater number of specimens were used.

Along the Breakspear Way frontage, two tree groups are planned, incorporating varieties of Field Maple, Rowan and Birch. These groups will look attractive throughout the year and enhance views of the development site. One existing tree, a Norway Maple, is to be retained, approximately located halfway between the new tree groups. The retention of a single tree may appear at odds with the more interesting groups to either side so consideration should be given to the addition of two smaller trees (such as the species above) adjacent to Maple to form a better link between the existing and new landscape.

Trees and Woodlands further comments

Thanks for the additional information. Although it isn't stated on submitted plans or in written advice, I'll assume that the red circled sections are revisions to previous plans.

I've copied a paragraph from the agents email to you below.

We have considered the additional requests to add more planting at various points across the site, but there are budget considerations, increased maintenance costs, and issues covered above including tree sap affecting cars and the adverse affect it has on the visibility of the retail units from Maylands Avenue. The amount of trees planted across the scheme represents the highest number of trees that can viably be planted before the visibility becomes an issue for retailers.

'Budget considerations'

When assessing a scheme of this size and cost, discussion about the costs of a few extra trees being prohibitive is not realistic. Irrespective of this, it is not in fact necessary to increase the number of proposed trees on the site, merely to redistribute those already allocated.

Along the Breakspear Way boundary a group of nine new trees is proposed, comprising Acer, Sorbus and Betula. The impact of this group will be diminished by the presence of two large Oak trees, located within the public highway alongside the development site. The Oaks are shown on submitted plans.

Rather than have trees within the site replicating the screening and amenity function of highway trees, simply reduce the number of specimens in the on-site group and move those across the development site.

'Increased maintenance costs'

There are no increased maintenance costs if tree numbers stay the same.

'Tree sap affecting cars'

The original plans showed trees close to parking areas across the site. Following my comments, trees have been moved away from parking areas thus reducing the potential for falling sap to affect cars. I'm confused by the agents comment as I haven't suggested that trees should be planted closer to vehicles, indeed I have pointed out that distances between them need to be increased.

'Visibility of retail units'

I would agree that over-planting could obscure the visibility of the new units, however this isn't being suggested. Compare the numbers, and therefore affect, of trees suggested within submitted plans along Maylands Avenue to the front of units 01, 02 and 03 versus those proposed in front of units 04 – 11. I count eleven trees to the front of units 01 – 03 (plus fifteen nearby along the site access road and one more on the public highway). This compares with four trees to the front of other eight larger sized units.

The visual affect of this disparity will be stark. The frontage of 01 – 03 will have visual interest, a mix of species and sizes and seasonal value. The frontage of 04 – 11 will only have real interest whilst the Liquidambar's are in autumnal leaf. Apart from this small part of the year, the frontage will appear sterile and uniform, with no variety of colour or size.

The density of trees to the front of units 01 – 03, in visual terms, was deemed acceptable by the agent in their submission, so there is little basis to their comment of lack of visibility regarding four trees in front of the larger units. Firstly, the site boundary to the front of units 04 – 11 is larger and so there is more opportunity to see the units over a longer period than with a shorter one, and secondly, the same density of trees has not been suggested. As previously stated;

"The intended purpose of landscaping here is to "reinforce the parkland aesthetic." It is rare that modern urban parkland has regimented single species row planting, so I recommend that further planting is located within this area that creates a varied aesthetic. The visual impact of species such as Liquidambar is heightened when planted near to contrasting canopy shapes and colours. The Liriodendron will provide contrast but needs supplementing with more variety."

Such variety could come from species like Birch (Betula) whose canopies are not dense.

Tree planting within the site needs to be of robust quantity at the start of the development's commercial life to allow for potential longer term tree thinning, should issues arise with specific specimens. It will not be possible to compel the site owner to plant more trees in the future should approved plans result in a poor 'parkland' aesthetic.

Parks and Open Spaces

I have looked at the landscaping proposals. The overall concept seems to be large swathes of wildflowers, which from May to September if managed properly should look spectacular. However proper management of this area is key to its success. Wildflowers can have the habit of looking good in year one and then the following year look a bit drab in comparison. This can all depend on what kind of seed mix is put down, will it be annual, annual and perennial, will it be put down as seed or turf?

So the key questions for me to the developer would be-

Are you proposing seeding the area or using wildflower turf? (Turf is more expensive, but seems to have a consistent display).

What type of mix is proposed? Annual or a mixture of annual and perennial.

Management regime for the wildflower areas? If the wildflowers fail, you could be left with a massive field of weeds.

The boundary hedge is a good idea around the car park for screening and as said would be good for nesting birds.

The other shrub planting dotted around are fairly standard good quality amenity planting.

Parks and Open Spaces further comments

Proposed perennial wild flower mix is sown into the soil to negate the requirement for topsoil to be brought to site. The wild flower management regime is based around a spring flowering meadow. This is acceptable as long as the proposed management actually happens.

Regeneration team (Strategic Planning and Regeneration)

This contribution does meet the Government tests as set out in the NPPF as noted within the Developer contributions section of the Maylands Design Strategy. This will be described in the points below.

The required improvements are necessary to make the development acceptable in planning terms, this is set out in:

The Dacorum Corporate Plan identifies the following priorities over the period 2012 and 2015, which it will work towards with partners:

- Secure regeneration and development at Maylands Business Park, based on the Maylands Master Plan
- Secure the best possible infrastructure development so that people have a vibrant economy accompanied by good quality of environment and open spaces, and other infrastructure – backed up by the Local Planning Framework, the Community Infrastructure Levy, and the Infrastructure Delivery Plan
- Create the conditions that keep businesses in the area and attract new ones – as the place to do business

Policies 12 and 13 of the adopted Dacorum Borough Local Plan (2004) provide a general basis for securing contributions from developments towards the various types of infrastructure and facilities.

Within the Dacorum Borough Council Core Strategy policy CS35 states that the Council will use planning obligations to ensure that developers make appropriate contributions towards the infrastructure required to support their development. These

contributions will be used to mitigate the impacts of development; and provide infrastructure to support that development.

The Dacorum Borough Planning Obligations Supplementary Planning Document (SPD) (2011) explains the Planning Objectives that Dacorum Borough Council will pursue in seeking planning obligations; sets out the evidence of need to substantiate the levels of contributions that will be sought for certain types of infrastructure; and gives details of the

Council's requirements; and describes the procedures that the Council will be followed in securing planning obligations. Within this document the Council identifies Maylands Business Park as an important regeneration project where contributions are particularly likely to be sought on a site by site basis in relation to environmental Improvements.

As identified within the various policy documents such as the Dacorum Core Strategy, Maylands Masterplan and through the Maylands Design Strategy it is noted that without investment with the urban realm within the area the locality will continue to decline and not be able to maintain its place as sub regional employment centre. Investment will be attracted to other areas of the UK or other European destinations rather than this employment centre. Hemel Hempstead has traditionally attracted strong levels of inward investment with much of this due to the prominence of Maylands but without continued investment in the public realm this will not continue. This site is located on the Main office fronted section of the Maylands Business Park with this scheme having a direct impact on this appearance.

The site currently has a significant level of office accommodation. This will reduce the level of B class uses on the site. Dacorum Borough Council have specific targets that it needs to meet within these uses, this level of B class development directly gives the B class employment target that has been adopted as part of the Core Strategy process. This application will lead to lower levels of B class uses as identified. The job numbers previously set against this area will need to be delivered elsewhere and we will have to compensate for the losses on this site. These improvements will enable the area to attract further investment and development so that we can meet these job targets on other sites.

There is a strong policy line within the Core Strategy setting out the expectation that developments should make financial contributions towards public realm improvements were necessary. Reference should be made to Policy CS13, the East Hemel Hempstead Vision Statement, CS34 and CS35

It is clear from the Core Strategy that the detail will be set out in supplementary planning documents including Design Statements (such as the Maylands Urban Design Strategy) the East Hemel Area Action Plan.

Policy CS13 is of particular relevance in that it states that "New development will be expected to contribute to the quality of the public realm...."

Policy CS35 clearly states that delivery of CS35 will be achieved by applying the Planning Obligations SPD (until superseded)

The Planning Obligations SPD clearly states that Maylands is a regeneration priority and contributions will be sought towards improvements in the Maylands Industrial area.

The CIL Charging Schedule and Draft Regulation 123 list have been subject to public consultation and examination. In my view, they are a material planning consideration which should be afforded some weight. It is clear from the Draft Regulation 123 list that public realm improvements in Maylands will be secured under S.106.

The improvements are directly related and only refer to works in the direct vicinity of the site. We only Intends to seek S106 contributions related to specific A3 sheets within the improvement specification to part fund the works, which will ensure that as these individual sheets can be referenced within S106 agreements.

Each of the A3 sheets identifies the improvements that are required has had costs assigned to each item and then given totals. The amount requested equates to 20% of the cost of each of these sheets. If you would like I can send the sheets which relate to the amount requested across to you or alternatively the documents relating to this can be found [following this link](#).

Rights of Way

The application site is crossed by Hemel Hempstead public footpath 50.

The neighbouring, Prologis site, is upgrading this footpath to a 3m cycle path and it is hoped that this can be agreed, to the same standard, over this holding as well, ideally via a s106 agreement. This path will form part of a cycle link between Hemel Hempstead and St Albans that we are working on with Herts CC colleagues.

The widening of the access road, off Maylands Avenue, to Unit 01 will need to consider the definitive line/extent of the current public footpath and the safety of public traffic.

Environmental Health

The hybrid application comprises a full application for retail and café/ restaurant buildings, and an outline application for an office building.

The following response relates to air quality and contaminated land.

Air Quality:

Regulatory Services is in receipt of the following report submitted with the above application:

- Air Quality Assessment; Document Reference: EED14757-100_AQ_R.1.3.1; Waterman Infrastructure & Environment Limited; November 2016

A previous version of the report (ref: EED14757-100_AQ_R2.1.1_CB dated February 2015) was submitted and reviewed under outline planning application 4/01132/15/MOA. It is predicted that the 2016 development is likely to result in an additional 3,985 AADT on the local road network, compared with the previous proposals submitted under 4/01132/15/MOA. The report has been revised to take this into account, and also been updated to reflect the recent guidance changes.

The findings of the report are summarised as follows:

- An air quality assessment was undertaken to determine the likely effects of the proposed development on local air quality. The contribution of an additional 3,985 AADT on the local road network, as a result of the 2016 development has also been considered.
- The construction of the proposed development would have the potential to generate fugitive dust from construction activities and changes in air quality as a result of exhaust emissions from plant and construction vehicles.
- A range of best practice environmental mitigation measures would be implemented to minimise dust generated during the construction works. With mitigation in place, the occurrence of nuisance dust would be minimised, and it is considered that the significance of effect would be minor adverse, and would be localised and temporary.
- Exhaust emissions from construction plant operating on the site would be small in comparison to the emissions from the road traffic movements on the roads adjacent to the site and therefore it is considered that their effect on air quality would be negligible.
- It is anticipated that the effect of exhaust emissions from construction vehicles entering and leaving the site would be minor adverse during peak construction periods and negligible at all other times, considering current background pollutant concentrations and local road traffic emissions.
- An assessment of the effect of the traffic associated with the proposed development on local air quality has been undertaken using the DMRB. This predicted the effect of the proposed development on air quality at two sensitive receptors surrounding the site. Taking into account uncertainty in future NO_x and NO₂ reductions, the effects are predicted to be of minor adverse to negligible significance at the existing sensitive receptors considered in this assessment. The effects of the proposed development are predicted to be negligible for PM₁₀ and PM_{2.5} concentrations.

Comments:

Ensuring that appropriate dust control measures are implemented in relation to the construction phase, I am satisfied that the construction and operational stages of the development will have a negligible to minor adverse effect on air quality.

The year 2013 has been modelled to establish the baseline air quality conditions. This data is now four years old. For completeness, I would ask that the model be re-run utilising more up to date diffusion tube data, which can be provided upon request and the report revised accordingly.

This information can be requested via condition if deemed appropriate. Appropriate wording can be provided upon request.

Contaminated Land:

Regulatory Services is in receipt of the following reports submitted in respect of the above:

- Preliminary Risk Assessment Report; Contract No. E12926/1A; Report Issue No.:

- 1; Report Status: Final; DTS Raeburn Ltd; June 2016
- Geo-environmental Appraisal; Contract No. E12926/1B; Report Issue No.: 1; Report Status: Final; DTS Raeburn Ltd; August 2016

To recap; the following report was submitted and reviewed under 4/01132/15/MOA and the following comments provided:

- Preliminary Environmental Risk Assessment; Document Reference: EED14757-100-R-1-2-1-GH; Waterman Energy, Environment & Design; February 2015

'...The report provides a satisfactory preliminary risk assessment of the site. I am in agreement with the recommendations as follows:

- *'A ground investigation should be undertaken to confirm the underlying ground conditions within the Site. The scope of this investigation should be informed following a detailed review of past ground investigation reports and remediation validation information. The scope and timing of the resultant investigation should be agreed with the local authority. The investigation should target potential sources of contamination, notably from the engineering works and waste treatment/disposal site, including previously remediated areas. In addition, soils and stockpiles should be screened for potential contaminants including asbestos. The outcome of this investigation could then be used to inform the nature and scope of potential remedial measures;*
- *The ground investigation should also allow for geotechnical assessment to assist with foundation design. This should include an assessment of the potential for settlement within any residual superficial deposits left on Site. In addition, the nature of the bedrock should be investigated if it is considered likely that foundation loads will have an impact on bedrock e.g. as a result of the use of piled foundations;*
- *As the Site is located in a groundwater Protection Zone III, the ground investigation should also include leachate and groundwater sampling to identify potential contaminants in the groundwater and the mobility of potential contaminants in the soils beneath the Site;*
- *Ground gas monitoring should be undertaken to establish the gas regime of the Site and to determine if any gas protection measures will be required in the proposed development. At this stage it is recommended that a two month programme of six gas monitoring visits will be required to comply with CIRIA C665;*
- *During any groundworks, it is recommended that all construction workers wear appropriate PPE to reduce the risk of exposure to potential contaminants in the underlying Made Ground; and*
- *The onsite stockpiles and any materials excavated to facilitate the proposed development should be assessed for their potential for reuse on Site, in accordance with the requirements of the CL:AIRE waste protocol, or if excess to Site requirements the waste classification of the material assessed.'*

As further works are required, I recommend the contamination condition is applied

should planning permission be granted in order to ensure that the recommended works are undertaken...'

Preliminary Risk Assessment Report

The Preliminary Risk Assessment Report focuses on the discount food store component of the application only (Unit 1 - proposed for the northern part of the application).

The site covers about 0.5 hectares. Approximately its northern half comprises a car park, whilst the southern half is vacant and surfaced by compact gravel. Limited areas of grass landscaping and deciduous trees are present in the far southern and western sections.

It is understood that a discount food retail store and an associated car park are to be constructed in the northern and southern sections of the site respectively.

Geological map information indicates the site to be underlain by bedrock geology of the Lambeth Group (consisting mainly of silty clay with some sands, gravels and limestone bands) overlying the *Cretaceous* Lewes Nodular Chalk and Seaford Chalk Formations (undifferentiated).

The nearest surface water feature is Marchmont Pond, a man-made balancing pond located at about 420m to the south-east of the site. The site is considered to be of low sensitivity with respect to this feature.

The Lambeth Group and underlying Chalk formations are classified as 'Secondary A' and 'Principal' Aquifers respectively. The site also lies within 'Zone 3' of a Groundwater Source Protection Zone, associated with six groundwater abstraction boreholes for potable supplies located between about 800m and 1.5km to the south of the site.

An Ancient Woodland (Maylands Wood) is located at about 365m to the northwest of the site.

The site is located with 'Flood Zone 1' (the lowest risk classification with respect to fluvial and flooding).

In reference to the site history; the site was developed from Greenfield into a car park during the 1970s/early 1980s and has remained in this use to the present day. In terms of the near vicinity; an old chalk pit was identified on the 1878 – 1879 map edition situated approximately 40 metres to the southwest; this appeared infilled by 1924. The 1960 map edition identified a factory situated approximately 50 metres to the south of the site. By the 1969 map edition, the factory to the south of the site is now identified as an engineering works and includes above-ground tanks in the western section. A depot with associated above-ground tanks and an electricity substation has been constructed adjacent the site to the north. Numerous factories and other industrial works have been constructed along Maylands Avenue to the west of the site. These include two chemical works, an engineering works, a printing works, a battery factory, a clothing factory, an electronics works and a laboratory within 100m of the site boundary. On the 1969 – 1987 map edition, the engineering works to the south of the site have been extended northwards, to within about 20m of the site boundary. By 2006, the engineering works to the south of the site had been demolished and the

present-day office block constructed adjacent the site to the east.

Information provided by Dacorum Borough Council and included in the Watermans report has revealed that the engineering works to the south of the site was occupied by Lucas Aircraft and was operational between 1952 and 2002. Further enquiries locally have indicated that power systems for aircraft and military vehicles were produced at the site. Plans included within the Arup Report indicate that the site and adjoining area to the east were occupied by a car park associated with the adjacent engineering works. The Arup Report also documents that remediation works were previously undertaken at three locations within the adjacent engineering works site to the south, following its demolition. However, there are no records of any previous ground investigation or remediation works having been undertaken within the subject site.

A review of available environmental information supplied by Landmark Information Group identified a number of current and former potentially contaminative land uses within the vicinity of the site. Notable entries are as follows:

- *Integrated Pollution Controls:* Chemical processes at the former engineering works to the south of the site. Dated 1994 and revoked following closure of the factory - situated approximately 10 metres to the south.
- *Integrated Pollution Prevention and Control:* Relating to non-ferrous metal processes - situated approximately 257 metres to the north.
- *LAPPC:* Incineration of <1 tonne/hr of general waste (revoked) - situated approximately 67 metres to the northeast; Dry Cleaners - -situated approximately 205 and 254 metres to the northwest.
- *Potentially Infilled Land:* Areas of potentially infilled land situated approximately 234 and 378 metres to the northwest. These locations correspond to those of former brickworks which closed in the late 19th century. Considered unlikely to affect the site.
- *Waste Management Sites:* Storage of industrial waste including bagged chemical waste, drummed chemical waste and waste oil at the adjacent former engineering works. Lapsed or surrendered/cancelled - situated approximately 10 metres to the south. Small waste transfer site dealing with asbestos cement sheet and demolition/excavation material. Unlikely to affect the site due to the stated distance - situated approximately 405 metres to the northwest. Household, commercial and industrial waste transfer station. Unlikely to affect the site as soil disposal is not recorded to have been undertaken at this location - situated approximately 415 metres to the north.
- *PFS sites:* One PFS recorded as 'obsolete' but the current status of the associated fuel storage tanks is not know - situated approximately 210 metres to the northwest.
- *Potentially contaminative land uses (14no.):* Active and inactive processes including 8no. engineering firms (hydraulic, precision, mechanical, electrical and general), a road haulage firm, a breakdown recovery firm, a printing works, two used car dealerships and a car repair workshop - situated approximately 15 to 250 metres to the north and northwest.

The initial conceptual site model identified the following potential sources, receptors and pathways:

On-site sources:

- Current and historical use of the site as car park (contamination generally unlikely, however, localised *petroleum hydrocarbon* contamination could have been caused as a result of localised leakages/overflows from oil:water interceptors)

Off-site sources:

- Former aircraft engineering works adjacent to the south of the site (*petroleum hydrocarbons, metals/metalloids, chlorinated solvents and other volatile and semi-volatile organic compounds (VOC and SVOC), phenols, asbestos, acidity/alkalinity (low/high soil pH), asbestos*)
- Current and former factories and Industrial works within 100m of the site to the west, including various engineering works, printing works, car dealerships, electricity substations and former battery and clothing factories (*petroleum hydrocarbons, metals/metalloids, phenols, chlorinated solvents and other VOCs/SVOCs, sulphates, acidity/alkalinity (low/high soil pH), PCBs, asbestos*)

Potential receptors:

- Humans: construction workers, future maintenance workers, site end users
- Development end use: buildings, hardstandings, services, utilities and landscaped areas.
- Controlled waters:
 - Groundwater: classification of the underlying Lambeth Group and Chalk formations as 'Secondary A' and 'Principal' aquifers respectively
 - Licenced abstractions: location of the site within a SPZ3 associated with six potable water supply abstractions between about 800m and 1.5km to the south of the site
- Major ecological receptors: Ancient woodland c. 365m to the north-west of the site

Potential pathways:

- Humans: ingestion, skin contact, inhalation of dust and indoor and outdoor air
- Development end use: contact
- Controlled waters:
 - Groundwater: leachate migration into pore water from soil contamination, dilution and dispersion into groundwater
 - Licenced abstractions: hydrological flow within groundwater
- Major ecological receptors: hydrological flow within groundwater

Preliminary Risk Assessment:

The preliminary risk assessment has identified the following potentially complete significant pollutant linkages in respect of potential on-site sources:

- A low to moderate risk to construction workers associated with the current and historical use of the site as a car park (possible localised petroleum hydrocarbon contamination as a result of leakages/overflows from interceptors) via dermal contact, ingestion and inhalation.
- A low risk to future site users associated with the current and historical use of the site as a car park (possible localised petroleum hydrocarbon contamination as a result of leakages/overflows from interceptors) via dermal contact, ingestion and

inhalation.

- A low to moderate risk to controlled waters associated with the current and historical use of the site as a car park (possible localised petroleum hydrocarbon contamination as a result of leakages/overflows from interceptors) via contact, migration, dilution and dispersion through soils, hydrological flow within groundwater and surface runoff.
- A low to moderate risk to licensed groundwater abstractions associated with the current and historical use of the site as a car park (possible localised petroleum hydrocarbon contamination as a result of leakages/overflows from interceptors) via contact, migration, dilution and dispersion through soils, hydrological flow within groundwater and surface runoff.
- A low to moderate risk to major ecological receptors associated with the current and historical use of the site as a car park (possible localised petroleum hydrocarbon contamination as a result of leakages/overflows from interceptors) via contact, migration, dilution and dispersion through soils, hydrological flow within groundwater and surface runoff.

The risk to the short-term health of construction workers during the development phase of the site should be considered moderate on the basis of current information, but this should be adequately mitigated by the adoption of normal safe working practices including the use of appropriate personal protective equipment (PPE). The risk to future site users and the development end use is considered low due to the proposed coverage of the site by buildings and hardstanding. The risk to controlled waters is considered moderate on the basis of current information, but would become low if the chalk bedrock beneath the site were found to be overlain by a substantial thickness of clay soil of the Lambeth Group. The risk to licensed groundwater abstractions and major ecological receptors are considered low to moderate depending on the depth to groundwater and direction of groundwater flow beneath the site.

The preliminary risk assessment has identified the following potentially complete significant pollutant linkages in respect of potential off-site sources:

- A low to moderate risk to construction workers and future site users associated with potential off-site sources (former aircraft engineering works adjacent to the site to the south, current and former factories and industrial works within 100 metres of the site to the west including engineering works, printing works, car dealerships, electricity substations and former battery and clothing factories), via dermal contact, ingestion and inhalation.
- A low to moderate risk to the development end use associated with potential off-site sources (former aircraft engineering works adjacent to the site to the south, current and former factories and industrial works within 100 metres of the site to the west including engineering works, printing works, car dealerships, electricity substations and former battery and clothing factories), via contact, migration, dilution and dispersion through soils, hydrological flow within groundwater and surface runoff.
- A moderate risk to controlled waters associated with potential off-site sources (former aircraft engineering works adjacent to the site to the south, current and former factories and industrial works within 100 metres of the site to the west including engineering works, printing works, car dealerships, electricity substations and former battery and clothing factories), via contact, migration, dilution and dispersion through soils, hydrological flow within groundwater and surface runoff.
- A low to moderate risk to licensed groundwater abstractions and major ecological

receptors associated with potential off-site sources (former aircraft engineering works adjacent to the site to the south, current and former factories and industrial works within 100 metres of the site to the west including engineering works, printing works, car dealerships, electricity substations and former battery and clothing factories), via contact, migration, dilution and dispersion through soils, hydrological flow within groundwater and surface runoff.

The above potentially complete significant pollutant linkages are generally considered to present a low risk to the human receptors identified, but the risk could potentially become moderate in the event that volatile contaminants from off-site sources were able to migrate to beneath the site. The off-site sources identified are however considered to present a potentially moderate risk to controlled waters and major ecological receptors (the latter depending on the direction of groundwater flow beneath the site), and hence it is unlikely that any contamination affecting these receptors (if present) could conclusively be attributed to the subject site. An intrusive investigation has been proposed to enable a quantitative assessment of the levels of ground contamination beneath the site and the associated risk to the relevant receptors. The findings of the investigation shall be reported separately.

The PRA research suggests a generally low risk to the proposed development from soil gas, unless volatile contaminants were able to migrate to the site from off-site sources. However, correspondence from Dacorum Borough Council included in the Waterman Report states that gas protection measures, comprising a 2000-gauge Visqueen membrane and a 175mm-thick reinforced ground floor slab were provided to a recent hotel development approximately 300 metres to the southwest of the site. A gas monitoring regime has therefore been incorporated into the proposed site investigation works.

The site is situated within an intermediate probability radon area, where between 1% and 3% are affected by radon gas at concentrations above the Action Level. Public Health England (PHE, formerly HPA) recommend the inclusion of basic radon protection measures into all new buildings or extensions regardless of their location. Such protection is not mandatory unless radon is encountered in commercial buildings/workplaces at concentrations in excess of 400Bq/m³, the likelihood of which is considered low. However, basic radon protection can easily be provided by means of a well-installed damp-proof membrane of minimum 1200-gauge, modified and extended to form a barrier across the ground floor slab.

Geo-environmental Appraisal

This report details the findings of the ground contamination and geotechnical appraisal undertaken at the site. The previously reviewed Preliminary Risk Assessment Report (PRA) (Report E12926/1A) covered the area of the proposed discount food store only. The ground contamination and geotechnical appraisal covers a significantly larger area (the 4/03157/16/MFA application boundary). The report states that that a PRA report for the site was completed in June 2016 (Report E12926/1B) and the scope of the present ground investigation was designed based on an initial Conceptual Site Model (CSM) included in that report. The above-mentioned PRA (Report E12926/1B) has not been submitted for review; submission and review of this additional PRA is required prior to review of the geo-environmental appraisal.

As further information is required, I recommend that the standard contamination condition be applied to this development should permission be granted to ensure this information is submitted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Contaminated Land further comments

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 (HCC) as highway authority has no objection to the proposed hybrid full and outline application, subject to conditions.

Conditions

Condition 1: Before commencement of any part of the development, detailed plans shall be submitted to and approved in writing by the Local Planning Authority and Highway Authority which show the proposed access arrangements for the internal 4 arm roundabout, servicing access for the discount retailer, exit only egress for the retail car park onto Maylands Avenue, and the widening of the signalised junction access to Maylands Avenue.

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

Condition 2

Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:

- i. Roads, footways, foul and on-site water drainage.
- ii. Existing and proposed access arrangements including visibility splays.
- iii. Parking provision in accordance with adopted standard.
- iv. Cycle parking provision in accordance with adopted standard.
- v. Servicing areas, loading areas and turning areas for all vehicles.

Condition 3

Prior to commencement of the development, the applicant shall submit a Delivery and Servicing Plan to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Delivery and Servicing Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and

manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles.

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

Condition 4

Before commencement of any part of the development, a Stage 1 Road Safety is required for all access arrangements to be submitted to and approved in writing by the Local Planning Authority and Highway Authority. The Stage 1 Road Safety Audit should consider the 4-arm roundabout access within the proposed development site, exit only egress from the retail car park onto Maylands Avenue and the widening of the signalised junction access with Maylands Avenue.

Reason: To ensure that the proposed access arrangements are safe and suitable for their intended use.

Condition 5

At least two months prior to occupation, each occupier of the development (retail, restaurant or office land uses) shall submit a Travel Plan in accordance this Hertfordshire's Travel Plan Guidance to be reviewed and approved by the Local Planning Authority in conjunction with the Highway Authority. Implementation of the plan shall follow a timescale to be agreed by the Local Planning Authority and Highway Authority.

Reason: To promote sustainable transport measures to the development.

Condition 6

Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

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

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

Condition 7

Prior to commencement of any part of the development, swept path assessment is required for the proposed 4-arm roundabout to demonstrate that a 16.5m articulated lorry can safely traverse through the roundabout to access the servicing and delivery areas for the retail buildings.

Reason: In order to protect highway safety and the amenity of other users of the site.

Condition 8

Prior to first occupation, a servicing and delivery plan is required to ensure that there is no conflict between parked vehicles and arriving or departing vehicles in the service yard.

Reason: In order to ensure that the propose service yard is safe and suitable for all users.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy is a planning charge tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. The proposed development may be liable for a charge under the Community Infrastructure Levy (CIL).

S278 Agreement

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

The proposed mitigation measures for the A414 / Maylands Avenue roundabout junction will be secured and approved via S278 agreement. It is agreed that the proposed mitigation measures at the A414/Maylands Avenue roundabout junction will be implemented upon completion of the first phase of the scheme, Discount Food Store and A3 units (units 2 and 3) and prior to the commencement of phases 2 and 3. As there is a risk to HCC that Phase 2 and 3 may not be implemented HCC require a bond fee equal to the associated costs for construction of the mitigation measures be secured via S278/106 agreement.

S38 Agreement

It is assumed that all roads within the site will remain under private control and management. No s38 agreement should therefore be required.

S106 Agreement

HCC will likely seek contributions via S106 for Travel Plan monitoring fees and additional contributions will be sought via CIL contributions as Dacorum Borough Council has adopted CIL. A bond will be sought for implementing the proposed mitigation measures for the A414 / Maylands Avenue roundabout junction via S106 agreement.

Informatives

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

Further information is available via the website
<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) 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.

AN3) General works within the highway: Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's highway design guide "Roads in Hertfordshire". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

Further information is available via the website
<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Description of the Proposal

The planning application is a hybrid application comprising the following:

- Full application for the construction of 12, 503sqm of retail (class A1) floor space, 545sqm of café/restaurant (class A3/A5) floor space, 180sqm of café/restaurant (class A3/A5) floor space, a car park with 557 car parking spaces and associated access and landscaping works; and,
- Outline application for the construction of an office (class B1) building measuring 2,787sqm.

Site Description

The development site is located in Hemel Hempstead in Maylands Gateway. The site is comprised of undeveloped brownfield land.

The site is bound to the north by residential and employment land, to the east by undeveloped green space, to the south by Breakspear Way and the west by Maylands Avenue.

Maylands Avenue is principle A main distributor road subject to a 30mph speed limit. Breakspear Way is a principle A main distributor road subject to a 70mph.

The site is currently accessed at the northern boundary of the site via a three arm signalised junction. However, a secondary access point is barricaded at the southern

edge of the site which was previously used by the Former Lucas Factory.

Planning History

The proposed development site is subject to the following relevant planning history:

- District planning application reference 4/02728/03/OUT: construction of three office buildings (Class B1a), ancillary structures, ancillary building (retail class A1), security and management suite, meeting facilities, car parking, cycle parking and landscaping. This was granted permission, subject to conditions.
- District planning application reference 4/00806/09/RES: reserved matters application pursuant to outline planning permission 4/02728/03/OUT. This was granted permission subject to conditions.
- District planning application reference 4/02609/14/PRE: pre-application was sought for the redevelopment of the site to provide new retail and commercial floor space comprising: food superstore measuring 5,500sqm, comparison floor space measuring 4,650sqm, commercial leisure floor space measuring 630sqm, new commercial building to the west of the People Building and associated access and landscaping works.
- District planning application reference 4/01132/15/MOA: outline application for the construction of retail space (class A1) measuring 12,503sqm, office floor space (Class B1) measuring 3,004sqm, restaurants measuring 1,031sqm and associated car parking, access and landscaping works. The application was granted planning permission, subject to conditions.
- An amendment was later provided for application 4/01132/15/MOA that included a Transport Assessment (TA) for HCC review to address HCC's request for strategic traffic modelling to be undertaken to assess the cumulative impact of the development. HCC found that the TA suitably demonstrated that, with the implementation of certain mitigation measures promoted on drawing CIV 14164_38_A01, the resultant capacity of the network is acceptable to HCC.
- A pre-application meeting was held 5th July 2016 to discuss the changes to the proposed layout and composition of the site. Minutes were provided for HCC approval.

Analysis

As part of the planning application, the applicant has provided a Transport Assessment (TA), Design and Access Statement (DAS), Workplace Framework Travel Plan (FTP) and Planning Statement (PS), among a number of drawings, for consideration.

Policy Review

As part of the TA, DAS and PS, the applicant has provided the evidence of review of the following policy documents:

- National Planning Policy Framework 2012
- Hertfordshire County Council Local Transport Plan 3 (2011 ? 2031)
- Dacorum Borough Council Adopted Core Strategy (2006 ? 2031)
- Dacorum Borough Council Local Plan (1991 ? 2011)
- Dacorum Borough Council ? Maylands Gateway Development Brief (May 2013)
- Dacorum Core Strategy Policies: CS10, CS11, CS12, and CS13

- National Planning Practice Guidance

Whilst this is considered appropriate, evidence of review of the following key policy documents is required:

- Roads in Hertfordshire Highway Design Guide 3rd Edition

Transport Assessment

The applicant has provided a Transport Assessment (TA) as part of the application package for review by HCC. The TA was reviewed and HCC comments are provided in the following section.

Trip Generation

The TA provided trip generation profiles for the previously approved outline planning application and for the proposed new composition for the site.

Extant Trip Generation

An existing outline planning application was granted permission with all matters reserved in 2015 for ?the Construction of Retail Floor space (Use Class A1) Measuring 12,503 sq. m, Office Floor space (Use Class B1) Measuring 3,004 sqm, Restaurants Measuring 650sqm, and Associated Car Parking, Access and Landscaping Works?. Previous to this the site was granted outline permission for a predominately office space as a high-tech office park. Peoplebuilding was permitted as part of this outline consent under application 4/02728/03/OUT.

The TA for the outline application for the retail application provided analysis of the original office park development in comparison to the impacts of the retail scheme. The impacts of this proposal were accepted by HCC. The trips were generated using the TRICS online database.

The retail scheme trips were derived using the following trip rates and respective trips:

A1 Food Retail per 100sqm (2,356sqm)

- AM Peak (0745 ? 0845):
Rate: 2.381 arrivals and 1.672 departures
Trips: 56 arrivals and 39 departures
- PM Peak (1600 ? 1700):
Rate: 4.989 arrivals and 5.233 departures
Trips: 118 arrivals and 123 departures
- SAT Peak (1115 ? 1215):
Rate: 5.432 arrivals and 5.084 departures
Trips: 128 arrivals and 120 departures

A1 Non-Food Retail per 100sqm (10,146sqm)

- AM Peak (0745 ? 0845):
Rate: 0.477 arrivals and 0.222 departures

Trips: 48 arrivals and 23 departures

- PM Peak (1600 ? 1700):

Rate: 0.813 arrivals and 1.105 departures

Trips: 82 arrivals and 112 departures

- SAT Peak (1115 ? 1215):

Rate: 3.194 arrivals and 2.908 departures

Trips: 324 arrivals and 295 departures

A1 Food Restaurant per 100sqm (1,030sqm)

- AM Peak (0745 ? 0845):

Rate: 0 arrivals and 0 departures

Trips: 0 arrivals and 0 departures

- PM Peak (1600 ? 1700):

Rate: 1.735 arrivals and 1.090 departures

Trips: 18 arrivals and 11 departures

- SAT Peak (1115 ? 1215):

Rate: 1.570 arrivals and 0.457 departures

Trips: 16 arrivals and 5 departures

The total trips for the peak hours are:

- AM Peak: 104 arrivals, 62 departures and 166 two-way
- PM Peak: 218 arrivals, 246 departures and 464 two-way
- SAT Peak: 468 arrivals, 420 departures and 888 two-way

The additional office trips for the development, based on 3,002sqm of B1 office use, would be as follows:

- AM Peak: 54 arrivals, 18 departures and 72 two-way
- PM Peak: 24 arrivals, 29 departures and 53 two-way
- SAT Peak: 19 arrivals, 33 departures and 51 two-way

Therefore, the total extant development trips, before consideration of pass-by, diverted and linked trips are:

- AM Peak: 158 arrivals, 80 departures and 238 two-way
- PM Peak: 242 arrivals, 275 departures and 517 two-way
- SAT Peak: 487 arrivals, 453 departures and 940 two-way

These have been previously agreed as part of outline consent 4/01132/15/MOA and are still considered to be appropriate.

Proposed Trip Generation

The application is a hybrid application comprising a full application for the retail and restaurant land uses and outline application for the office site. Therefore, the full application and outline will be considered separately.

The full application is for the retail and restaurant land uses. The proposed trip generation profile has altered the extant trip generation profiles slightly as the scheme

has progressed and the A1 food retail uses will be a discount food store and a higher-end food retailer, as opposed to a 'traditional' mainstream supermarket.

The TA has again used TRICS to establish trip rates for the proposed development site. The assumptions used to establish the trip rates for the discount food superstore are as follows:

- 01 'Retail' C 'Discount Food Stores
- Excluding Scotland and Ireland
- Monday to Friday for AM and PM peaks
- Saturday for Saturday peaks
- Edge of town centre, suburban area, edge of town and neighbourhood centre locations were used

The assumptions used to generate the trip rates are considered acceptable.

The following trip rates, per 100sqm GFA, were established for the discount food store land use:

- AM Peak: 0.870 arrivals and 0.483 departures
- PM Peak: 3.566 arrivals and 3.673 departures
- Sat Peak: 5.227 arrivals and 5.222 departures

The associated number of trips considering a GFA of 1849sqm would be:

- AM Peak: 16 arrivals, 9 departures and 25 two-way trips
- PM Peak: 66 arrivals, 68 departures and 134 two-way trips
- Sat Peak: 97 arrivals, 97 departures and 194 two-way trips

This is considered acceptable for the proposed land use.

The same trip generation rates used in the extant trip generation profile were applied to the higher-end food retailer. This is considered acceptable for the purposes of the TA. Therefore, the proposed trip generation profile for 1554sqm of higher-end food retail space would be:

- AM Peak: 37 arrivals, 38 departures and 75 two-way trips
- PM Peak: 78 arrivals, 81 departures and 159 two-way trips
- Sat Peak: 81 arrivals, 81 departures and 162 two-way trips

The TA states that the extant trip rates are robust for the high-end food retailer and that it is considered that the discount food store trip rates would be more applicable. However, this is not considered an appropriate assumption and it is considered appropriate to use the previously agreed trip generation rates.

The TA provides a trip generation profile for the Non-Food retail units. The trip rates used to establish the trip generation profile for these units are the same as those used in the extant trip generation profile and are therefore considered appropriate. Therefore, the following trips will be generated by the non-food retail units based on 9587sqm of GFA:

- AM Peak: 46 arrivals, 21 departures and 67 two-way trips
- PM Peak: 78 arrivals, 106 departures and 184 two-way trips
- Sat Peak: 307 arrivals, 279 departures and 586 two-way trips

The TA provides trip rates for an A3 Food Retail Drive-Thru. This is different to the restaurant use in the extant trip generation profile. TRICS was interrogated for the trip rates and the following parameters were considered:

- 06 ? Hotel, Food & Drink ? D ? Fast Food ? Drive Through
- Excluding Scotland and Ireland
- 210 ? 800sqm GFA
- Monday ? Friday for weekday AM and PM peaks
- Saturday and Sunday for Saturday/Weekend peak

The parameters used to establish the trip rates are considered acceptable for the purposes of the TA. Therefore, the following trip rates, per 100sqm GFA, were considered for the proposed trip generation profile for the drive-thru retail units:

- AM Peak: 9.49 arrivals and 8.341 departures
- PM Peak: 10.375 arrivals and 9.448 departures
- Sat Peak: 17.79 arrivals and 15.033 departures

The following is the trip generation profile for the proposed drive-thru units based on 780sqm:

- AM Peak: 73 arrivals, 65 departures and 138 two-way trips
- PM Peak: 81 arrivals, 74 departures and 155 two-way trips
- Sat Peak: 139 arrivals, 117 departures and 256 two-way trips

Therefore, the total proposed trip generation profile for the full application portion of the hybrid application for Food Retail, Non-Food Retail and Restaurant Drive-thru land uses are as follows:

- AM Peak: 172 arrivals, 121 departures and 293 two-way trips
- PM Peak: 303 arrivals, 329 departures and 632 two-way trips
- Sat Peak: 627 arrivals, 572 departures and 1199 two-way trips

The outline application portion of the hybrid application is for the office land use. The proposed trip generation profile for the office portion of the scheme was generated using the same trip generation rates as the extant permission and this is considered appropriate for the purposes of this TA. Therefore, considering 2954sqm of office space, the trip generation profile for the office space will be as follows:

- AM Peak: 53 arrivals, 18 departures and 71 two-way trips
- PM Peak: 24 arrivals, 29 departures and 53 two-way trips
- Sat Peak: 19 arrivals, 32 departures and 51 two-way trips

Therefore, the combined full and outline application trip generation profiles for the proposed development would be:

- AM Peak: 225 arrivals, 139 departures and 364 two-way trips
- PM Peak: 327 arrivals, 358 departures and 685 two-way trips
- Sat Peak: 646 arrivals, 604 departures and 1250 two-way trips

Difference in Trip Generation Profiles ? Extant vs Proposed

For the purposes of determining the net impact of the proposed development, the combined trip generation profile for the full and outline application will be considered.

The extant and proposed trip generation profiles were compared to demonstrate the proposed changes in the trip profiles. The extant trips were subtracted from the proposed trips and the following is the difference in trips, (not considering pass-by, diverted or linked trips):

- AM Peak: +67 arrivals, +59 departures, and +126 two-way trips
- PM Peak: +91 arrivals, +87 departures, and +178 two-way trips
- Sat Peak: +165 arrivals, +153 departures, and +318 two-way trips

Therefore, before considering reductions due to pass-by, diverted or linked trips. The proposed development will generate significantly more trips than the extant scheme.

Pass-By, Diverted and Linked Trip Reduction

Due to the location of the proposed development on Maylands Avenue, and the close proximity to other employment uses and amenities, it is expected that there would be pass-by, diverted and linked trips associated with the site. Therefore, the TA has proposed the following reductions, to the full application land uses, which have previously been agreed by HCC:

- Pass-by Retail:
- 30% for AM and PM peaks; and,
- 15% for Sat peak.
- Redistributed retail shoppers from other locations: 20% for AM, PM and Sat peaks
- Linked Trips (based on lowest trip generation land use of peak): 30% for AM, PM and Sat peaks
- A3 Pass-by and Diversions trips: 50% for AM, PM and Sat peaks.

The following further reductions have been proposed as part of this full application and are considered acceptable:

- A3 linked proportion to other site uses: 30% for AM, PM and Sat peaks.

The total retail land uses trip generation profile considering the pass-by, linked and diverted trips would therefore be:

- AM Peak: 36 arrivals, 22 departures, and 57 two-way trips
- PM Peak: 89 arrivals, 95 departures, and 184 two-way trips
- Sat Peak: 263 arrivals, 243 departures, and 506 two-way trips

The total proposed trips for the hybrid application with the combined full and outline application trip profiles would therefore be:

- AM Peak: 89 arrivals, 40 departures and 129 two-way trips
- PM Peak: 113 arrivals, 124 departures and 237 two-way trips
- Sat Peak: 282 arrivals, 275 departures and 557 two-way trips

Comparing the Proposed and Extant Reduced trips

Consideration has been made for the full application element of the hybrid application and comparison has been made between the reduced retail and restaurant trip profiles for the proposed and extant proposals.

The reduced extant total retail and restaurant development trips are as follows:

- AM Peak: 38 arrivals, 24 departures and 62 two-way trips
- PM Peak: 75 arrivals, 84 departures and 159 two-way trips
- Sat Peak: 258 arrivals, 234 departures and 492 two-way trips

When comparing only the reduced trip generation profiles for the retail and restaurant land uses only, the difference would be:

- AM Peak: -2 arrivals, -2 departures and -4 two-way trips
- PM Peak: +14 arrivals, +11 departures and +25 two-way trips
- Sat Peak: +5 arrivals, +9 departures and +14 two-way trips

The extant combined reduced total proposed trips for the retail, restaurant and office space would be:

- AM Peak: 92 arrivals, 42 departures and 134 two-way trips
- PM Peak: 99 arrivals, 113 departures and 212 two-way trips
- Sat Peak: 277 arrivals, 267 departures and 544 two-way trips

The difference between the reduced trip profiles for the total hybrid (full + outline) application and extant outline applications are therefore:

- AM Peak: -3 arrivals, -2 departures and -5 two-way trips
- PM Peak: +14 arrivals, +11 departures and +25 two-way trips
- Sat Peak: +5 arrivals, +8 departures and +13 two-way trips

It is demonstrated that the change in trips is related to the changes to the proposed composition of the retail and restaurant land uses. Whilst the number of trips is increasing in the PM peak and Saturday peak periods, it is agreed that the number of increased trips is negligible and that further assessment is not required.

Multi-Modal Trip Generation

The TA included a section with Multi-Modal analysis. The TA provided multi-modal splits for each of the A1 Discount Food, Food Retail and Non-Food Retail land uses, A3 fast food/drive-thru and restaurant land uses and office land uses. The multi-modal trip rates were established using the TRICS database for the A1 and A3 land uses and from journey to work census data for the office land use. This approach is considered acceptable.

Trip Distribution

The trip distribution profile assumptions used in the extant planning permissions have been used in the TA for this hybrid full and outline planning application and are therefore considered acceptable.

Impact on Highway Network

Junction Assessment

It was agreed as part of pre-application discussions that no further junction capacity assessment would be required as the junction capacity assessments undertaken for the original outline application were rigorous and resulted proposals for mitigation measures to be introduced on the highway network. It should be noted that as part of the original application, mitigation measures were explored for the A414 / Maylands Avenue roundabout to bring the junction up to safety and operational standards. These mitigation measures will be a requirement of any planning application approval at this location. A Stage 1 Road Safety Audit has been provided for the proposed changes to the roundabout and is subsequently discussed in the Road Safety

Audit section.

Whilst it was agreed junction assessment would not be required for the wider local highway network, the TA included junction assessments for the two access junctions:

- Internal 4-arm roundabout; and,
- Site Access / Maylands Avenue signalised junction.

The junction capacity assessments were undertaken for the AM, PM and Saturday peak periods for the future horizon year 2021 for the scenario 'Base 2021 + Committed development + Proposed'. This is considered appropriate to demonstrate how the changes to the internal layout will impact the network.

Internal Site 4-arm Roundabout

The internal 4-arm roundabout is a newly proposed roundabout with an IUD of 28m. The internal road between Maylands and the roundabout will be widened to two lanes in both directions.

The junction capacity results for the roundabout are as follows:

AM Peak:

- Peoplebuilding/Gym arm: RFC of 0.071 and queue of 0.1 PCUs
- Main Retail Car Park arm: RFC 0.109 and queue of 0.1 PCUs
- Site Access/ Maylands Avenue arm: RFC 0.229 and queue of 0.3 PCUs
- Discount food store arm: RFC 0.023 and queue of 0.0 PCUs

PM Peak:

Peoplebuilding/Gym arm: RFC of 0.127 and queue of 0.1 PCUs

- Main Retail Car Park arm: RFC 0.254 and queue of 0.3 PCUs
- Site Access/ Maylands Avenue arm: RFC 0.253 and queue of 0.3 PCUs
- Discount food store arm: RFC 0.094 and queue of 0.1 PCUs

Sat Peak:

- Peoplebuilding/Gym arm: RFC of 0.175 and queue of 0.2 PCUs
- Main Retail Car Park arm: RFC 0.467 and queue of 0.9 PCUs
- Site Access/ Maylands Avenue arm: RFC 0.447 and queue of 0.8 PCUs
- Discount food store arm: RFC 0.152 and queue of 0.2PCUs

The junction capacity results for the roundabout demonstrate that the roundabout will operate within capacity and HCC are satisfied that the proposals will be operational and will not cause queueing the highway network.

Site Access / Maylands Avenue Signalised Junction

The proposals include widening of the site access road from Maylands Avenue to the proposed new roundabout. The site access road will include two lanes for both directions. The junction modelling results will consider this as part of the junction modelling.

The junction capacity results for the signalised junction are as follows:

AM Peak:

- Maylands Ave NB: DoS of 80.1 and mean max queue of 18 PCUs
- Maylands Ave SB: DoS of 48.3 and mean max queue of 9 PCUs
- Site Access road: DoS of 26.9 and mean max queue of 3 PCUs

PM Peak:

- Maylands Ave NB: DoS of 57.7 and mean max queue of 7 PCUs
- Maylands Ave SB: DoS of 77.9 and mean max queue of 18 PCUs
- Site Access road: DoS of 45.5 and mean max queue of 4 PCUs

Sat Peak:

- Maylands Ave NB: DoS of 51.9 and mean max queue of 5 PCUs
- Maylands Ave SB: DoS of 59.6 and mean max queue of 8 PCUs
- Site Access road: DoS of 60.4 and mean max queue of 5 PCUs

The junction capacity results for the signalised junction demonstrate that the junction will operate within capacity and HCC are satisfied that the proposals will be operational and will not cause excessive queueing on the highway network. It is stated that the queueing on the site access road is within the length of the road from between Maylands Avenue and the roundabout and therefore would not impact the operation of the roundabout. A review of the layout demonstrates that there is approximately 50m of available queueing capacity and therefore 5 PCUs can be suitably accommodated. This is considered acceptable for the purposes of this TA.

Highway Safety

The TA provided a summary of the most recent 5 years up to June 2014 of collision data, as was previously discussed in the outline planning application. This review of this data is therefore still considered suitable and supports that there does not appear to be any significant collision clusters on the local highway.

The TA also collision data up to January 2016 to compliment the previous review. The collision data was obtained from Crashmap.co.uk. A review of this data demonstrated 11 collisions have been recorded in the 18 month period following the initial review. There are 3 slight collisions on Maylands Avenue, 2 slight and 1 serious collision at the Maylands Avenue/Breakspear Way/ St Albans Road roundabout, 1 slight accident on the Breakspear Way carriageway, 2 slight collisions at the Breakspear Way/A414/Green Lane roundabout, 1 slight collision on Green Lane and 1 slight collision on Boundary Way. As the collisions are widespread and there appears to be no significant collision clusters on the local highway, it is considered that the development is not likely to exacerbate any existing safety concerns on the local highway.

Access Arrangements

The application is a hybrid application with a full application for the retail and restaurant land uses and outline application for the office site. It is noted, however, that as part of the office site, no new access arrangements are required as the office will be accessed via the proposed retail car park to be agreed as part of the full planning application portion of the hybrid application. Therefore, the vehicle and pedestrian accesses will be agreed as part of the full planning application.

Vehicle Access

The full planning application proposals seek to provide access and egress for the development via the existing Maylands Avenue entrance which forms the access road to the Peoplebuilding, as consented in the outline scheme. This junction was designed to accommodate the previously approved trip generation for the outline scheme for the mixed use retail and office development.

Within the site there will be a 4 arm roundabout to provide access to the various parts of the development site including: the north to the discount food store car-park, east to the Peoplebuilding and gym car parking area, south to the main customer car park for the retail and A3 restaurant units and west to Maylands Avenue main access.

As part of this planning application, it is proposed to widen the inbound lane from Maylands Avenue to the roundabout to two lanes to better accommodate inbound vehicles. It is also proposed to widen the outbound lane to two lanes between the roundabout and Maylands Avenue. This was considered achievable in principle at the pre-application stage.

The proposed servicing access for the discounted superstore, Unit 01, is to be at the northern boundary of the site via an existing service access road. The TA included swept path assessments of the access arrangements and it is demonstrated that the access can suitably accommodate a lorry entering and departing at this location.

At the pre-application meeting held 5th July 2016, it was suggested that the existing access may be used for the proposed office land use as there is currently still a right turn lane on Maylands Avenue into this access. However, it is proposed within the current planning application documents to have an exit only at this existing access location. No detailed design drawings have been provided for this location; however, swept paths have been undertaken and it was demonstrated that a 7.5t panel van can safely manoeuvre through the exit to turn left with appropriate 25m forward visibility. It is unclear if the site access will be a left out only or if the access will accommodate both left and right turning movements, this will need to be clarified as part of any S278 agreement discussions.

The Development Management (DM) Implementation team were consulted with regards to the suitability of the access arrangements. The DM Implementation team is satisfied with the proposals and have no objections to the proposals in principal, subject to S278 agreements.

Pedestrian Access

Pedestrians are accommodated through the development site via footways and zebra crossings. Pedestrian access to Maylands Avenue is provided at a number of locations along the western boundary connecting to the footway on Maylands Avenue. The level of pedestrian access to the site is considered acceptable for the proposals.

Swept Path Assessments

The TA included swept path assessments for all the servicing areas for the proposed development utilising a max legal length UK articulated vehicle of 16.5m in length. This is considered acceptable. The swept paths provided are suitable and demonstrate that an articulated lorry can safely manoeuvre through the servicing areas to enter and depart in a forward gear.

However, on drawing CIV14164, the swept path of the reversing lorry in the bottom half of the drawing traverses over the parked lorry. This is not acceptable. A servicing and delivery plan should be implemented to avoid conflict between parked and arriving/departing lorries.

It is noted that the applicant did not provide swept paths of the articulated lorry traversing through the roundabout. This is required for HCC consideration.

Road Safety Audit

A Stage 1 Road Safety Audit is required for the access arrangements, both the widening of the signalised junction and the exit only egress, and proposed 4 arm roundabout within the development site to ensure that the proposed designs are safe and suitable for their intended uses.

A Stage 1 Road Safety Audit was provided for the proposed mitigation measures at the A414 and Maylands Avenue roundabout.

The Stage 1 RSA highlighted the following issues and provided the respective recommendations:

1. Risk of junction overshoot due to the proposed avoidance lane requiring vehicles to stop and give-way if required. This is inconsistent with the other avoidance lanes at the roundabout which lead to a lane gain situation.

It was recommended that the layout be reviewed and assess to see if provision of a lane gain avoidance lane is possible to remove the need for drivers to give way and provides consistency through the roundabout. If this is not feasible, appropriate signing and lining is required to make it clear that give-way is required. Provision of a high PSV surface could be used to assist in the braking zone.

2. Risk of side impact collisions due to the alignment of the roundabout avoidance lane. There is concern that that alignment of the give-way for the avoidance lane may create a risk of side impact collisions. Additionally, there is concern that, should the avoidance lane reach capacity and queue back to the main carriageway, motorists will seek to use the main circulatory to carry out this manoeuvre and avoid the queue, thereby increasing the risk of side swipe collisions.

It was recommended that the traffic flow data be assessed to review if stacking to the main carriageway is likely to occur. Appropriate visibility splays to both the roundabout circulatory and eastbound A414 entry speed should be provided.

3. Risk of pedestrian collisions due to an existing pedestrian crossing point on the A414 St Albans Road set approximately 110m from the roundabout exit. The proposals seek to relocate the crossing approximately 50m from the roundabout where drivers utilising the roundabout avoidance lane will be entering the A414 St Albans Road. The location of signal heads have not been provided and the forward visibility for all motorists is reduced from the existing situation, thereby increasing the risk of overshooting the stop line risking collisions with pedestrians. Late braking could lead to shunt collisions on roundabout exit and side impact collisions on the roundabout circulatory if queuing traffic stacks back onto the circulatory.

It was recommended that the existing pedestrian crossing point remain at its existing location.

4. Risk of loss of control on utility covers as no utility diversion information has been provided there appears to be a number of service covers and gullies that will be located within the running lane of the avoidance lane.

It was recommended that the location of all utility covers and gullies be reviews and utility diversions arranged to remove the utilities from the carriageway and vehicle swept paths.

No designer response has been provided at this stage; however, it is stated in the TA that the comments provided by the Stage 1 RSA team are accommodated in the design and it is ready to be submitted for a S278 submission.

Refuse and Service Delivery

As part of the full application portion of the hybrid application, the refuse and servicing arrangements for the retail and restaurant land uses have been provided. Refuse and servicing vehicles for the retail units and restaurants will be required to use the Maylands Avenue access; however, it is proposed that the servicing for the discount

food store occur via an existing access from Maylands Avenue at the northern boundary of the site.

As part of any future reserved matters application for the outline application for the office space, refuse and servicing arrangements will be required to be submitted for HCC consideration.

Parking

Car Parking Provisions

The TA specifies that a total of 505 car parking spaces will be proposed for full planning application for the retail and restaurant elements of the Maylands site. The site layout plan demonstrates that 29 spaces will be designated disabled parking spaces and 27 will be parents and child spaces. These will be situated in close proximity to retail and restaurant accesses.

Dacorum Borough Council parking standards set out the following maximum standards for each land use:

- A1 Food Retail (discount retailer): 1 space per 18sqm for food stores up to 2500sqm. Resulting in a maximum 102 spaces for 1825sqm of GFA.
- A1 Food Retail (main site retailer): 1 space per 18sqm for food stores up to 2500sqm. Resulting in a maximum 87 spaces for 1554sqm of GFA.
- A1 Non-food Retail: 1 space per 35sqm (non-food without garden centre). Resulting in a maximum 274 spaces for 1825sqm of GFA.
- A3 Fast food: 1 space per 8sqm. Resulting in a maximum 98 spaces for 780sqm of GFA.

Therefore, the total maximum provision should be 561 car parking spaces for the A1 and A3 uses can be provided considering the total proposed GFA of each use. 505 car parking spaces is equivalent to 90% of the total maximum parking provision, which is within the 75-100% parking provision range for accessibility zone 4.

It is suggested that the A3 uses will be ancillary to the A1 uses. This is considered a reasonable assumption and appropriate justification for the reduced parking provisions. Therefore, HCC are satisfied with the proposed parking for the A1 and A3 land uses. However, it is ultimately the decision of the LPA to determine the suitability of car parking provisions.

The TA specified that 29 disabled parking spaces will be provided within the total 505 car parking spaces. This is within the standards set out by DBC that state 4 plus 4% of the total capacity should be designated disabled parking spaces, which equates to 25 spaces. However, it is ultimately the decision of the LPA to determine the suitability of car parking provisions.

The car parking provisions for the outline application for the office space has not been considered as part of this planning application. It is noted that DBC require the following maximum car parking provisions for an office use:

- B1 Office: 1 space per 30sqm. Resulting in a maximum 99 spaces for 2954sqm of GFA.

As part of any reserved matters application submission subsequent to approvals of the outline application element of this hybrid, the applicant will need to provide further information on the car parking provisions for the office land use.

Cycle Parking Provisions

The exact number of cycle parking provisions for the full planning application are not specified in the TA; however, the TA states that cycle parking will be provided in line with DBC parking standards which state:

- A1 Food Retail: 1 short term (s/t) space per 150sqm plus 1 long term (l/t) space per 10 maximum staff on site for food stores up to 2500sqm.
- A1 Non-food Retail: 1 short term (s/t) space per 350sqm plus 1 long term (l/t) space per 10 maximum staff on site.
- A3 Fast food: 1 short term (s/t) space per 100sqm plus 1 long term (l/t) space per 10 maximum staff on site.

Cycle parking provisions should be provided in line with these standards.

As part of future reserved matters application for the outline application for the office land use, the applicant will be required to provide cycle parking in line with the following minimum requirements set out by DBC:

- B1 Office: 1 short term (s/t) space per 500sqm plus 1 long term (l/t) space per 10 full time staff.

Car Parking Accumulation Assessment

The TA included a parking accumulation assessment for the full application portion of the proposed development site to establish the level of car parking is appropriate for the development.

The parking assessment for the site demonstrates that the car parking areas for the full application portion of the site are appropriate for the land uses and will suitably accommodate all vehicles accessing these units. Therefore, HCC have no objection to the level of car parking for the proposed site.

Accessibility

Public Transport

The closest bus stop to the proposed development site is located on the existing access road to the development, adjacent to the Peoplebuilding. The bus stop is serviced by bus routes PB1 And PB2. PB1 has services to Boxmoor and PB2 also has services to Boxmoor. Other bus stops are located on Maylands Avenue adjacent to the site. The bus stop located on the east side of Maylands is serviced by bus routes 301, 320, 758 and ML1 with access to Hemel Hempstead and Boxmoor. The bus stop on the west side is also serviced by routes 301, 320, and 758, in addition to PB2. These services provide access to Berry Lane Estate, Victoria, Boxmoor, Coreys Mill, and Stevenage.

The nearest train station to the proposed site is Hemel Hempstead station. The station is approximately 2.9 miles from the development site. The train station is serviced by London Midland and Southern rail services. London Midland provides services from Hemel Hempstead to London Euston, Tring, Milton Keynes Central, and Northampton. Southern rail services provide service to Milton Keynes Central, and East Croydon.

Comments from the Sustainable Transport Development Officer are as follows:

BUS

The nearest bus stops are a pair on Maylands Avenue, outside the site, south of the Peoplebuilding access. The northbound stop has shelter and easy access kerbing, the southbound stop has easy access kerbing but no shelter. Neither stop has a display screen. Peoplebuilding itself has an unmarked stop served by the PB1 and PB2. Other available services are as follows:

Services are as follows:

- 301 Stevenage-Hemel Hempstead: x4 pm peak to Stevenage, x7 am peak to Hemel Hempstead Mon-Fri only
- 320 R?wth/Watford-H.Hempstead: Mon-Sat half hourly, Sun hrly
- 758 H.Hempstead-London: x3 am peak from London, x4 pm peak to London
- ML1 Railway Station-Warners End (Circ): Mon-Fri x5 am peak, x5 pm peak
- PB1 Maylands-Railway Station: x4 am peak to Maylands, x3 am peak to station Mon-Fri only
- PB2 Maylands-Railway Station (Circ): Mon-Fri x5 pm peak circular services

RAIL

The site is approx. 2.9 miles from Hemel Hempstead station from where frequent trains are available into London with a journey time of around 25-30 mins. Bus routes available from identified stops going to the station ? ML1, 320, PB1, PB2.

OTHER COMMENTS

The site has bus stops outside served by a variety of routes which mainly cater for commuters between the business park and the town centre and/or rail station. Only the 320 has services throughout the day. The bus stops themselves have recently been upgraded, both having easy access kerbing, but only the northbound stop has a shelter, and neither have display screens.

If developer contributions are being sought these could go towards the provision of a shelter at the southbound stop (approx. £8000) plus display screens at both stops (£16,000 for two).?

Walking and Cycling

There are footways on both sides of Maylands Avenue leading up to the site access from north and south of the site. There are currently no cycle provisions on Maylands Avenue. Maylands Avenue has a 30mph speed limit and is therefore considered cycleable.

Comments from the Sustainable Transport Development Officer are as follows:

"Walking/cycling routes in the vicinity will also be important to facilitate access to these facilities from nearby businesses. The Maylands area has been given a level 3 Bikeability rating, suggesting suitability for experienced cyclists only. There is therefore potential for improvements to cycling and routes to major employers close by."

Travel Plan

The applicant has provided a Workplace Framework Travel Plan as part of the application package. The FTP is considered acceptable at this stage; however, Travel Plans will be required for each of the occupiers of the retail, restaurant and office land uses. The TPs will need to be submitted to and approved prior to first occupation. The Sustainable Transport officer has provided comments on the Travel Plan.

Comments from the Sustainable Transport Development Officer are as follows:

"Please find comments to follow on the framework travel plan for Land at Maylands Ave, and attached a copy of the travel plan summary proforma. This should form an appendix to the Travel Plans to be developed for each land use within the site and should contain no new information but act as a quick-reference for the main document. HCC's travel plan guidance for business and residential development can be found online at www.hertfordshire.gov.uk/travelplans. It is acknowledged that the travel plan presented is a framework document only, there are certain details that are missing, but these should be included in the formation of travel plans for individual land uses.

Travel Plan Management

- Travel plan evaluation and support fee should be secured by S106 agreement.
- Travel Plan Co-Ordinator/s will need to be appointed and contact details passed to HCC, ideally with a second contact person in case of personnel changes.
- Identification of key individuals/external partners whose buy in/engagement with the Travel Plan is required for its success eg bus operators, local authorities, cycling groups/equipment providers.

Measures

- These could be further tailored to the use class when individual plans are developed. E.g. retail units would target measures at both staff and customers ? e.g. showers/lockers/changing facilities for staff cyclists, information provision and home delivery promotion to customers.

Targets and Monitoring

- Existing travel patterns ? these will need to be established for the individual use classes on first monitoring.
- Targets ? may need to be amended following information from monitoring.
- Multi-modal counts and questionnaire surveys to be used ? annual staff survey, would prefer multi-modal counts in years 1, 3 and 5 as this would make it consistent with other Travel Plans in the county.

Action Plan

- HCC to be notified of commencement of construction.
- Contact details for Travel Plan Co-ordinator to be provided to HCC.
- Submit final travel plan for each use class after first monitoring.
- Submit information received from survey/monitoring every year, review reports to be submitted in years 1, 3 and 5.
- Identification of additional measures may be necessary in order to meet targets after years 3 and 5.
- HCC sign off once year 5 targets are met.?

As part of any future reserved matters application for the outline application for the office space, a Travel Plan will be required to be submitted for HCC consideration.

Construction

A Construction Traffic Management Plan (CTMP) will be required to ensure construction vehicles will not have a detrimental impact on the vicinity of the site and a condition will be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety.

Construction is proposed to be undertaken in 3 Phases as follows:

- Phase 1 ? Discount Food Retail Store and A3 retail units;
- Phase 2 ? Retail development, including high-end foot retail store; and,
- Phase 3 ? Office area (subject to reserved matters applications subsequent to approval of the outline scheme)

Planning Obligations / Community Infrastructure Levy (CIL)

Dacorum Borough Council has a Community Infrastructure Levy (CIL), which was adopted in July 2015 and therefore contributions towards local transport schemes will be sought via CIL if appropriate. It should be noted that HCC are requesting that a contribution of £8,000 be sought for the provision of a bus shelter at the southbound stop and a contribution of £16,000 be sought for display screens at both stops within the vicinity of the site. This will ultimately help aid sustainable travel.

Conclusion

HCC is satisfied that the applicant has suitably provided information to justify a recommendation for approval, subject to conditions.

Hertfordshire Lead Local Flood Authority

Thank you for consulting us on the above hybrid application for the redevelopment of the site to provide 12,503sqm retail floor space (Class A1), 545sqm of café/restaurant floor space (Class A3/Class A5) and 180sqm café/restaurant floor space (Class A1/Class A3) with associated parking, access and landscaping (submitted in full); office building (Class B1) details submitted in outline.

In the absence of an acceptable FRA we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

The FRA carried out by MJM Consulting Engineers reference 6011-001 Rev C dated November 2016 submitted with this application does not comply with the requirements set out in the Planning Practice Guide (as revised 6 April 2015) to the National Planning Policy Framework. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the following information is required as part of the flood risk assessment;

1. Detailed surface water volume and run-off calculations for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Outline drainage strategy for the proposed office development.

Overcoming our objection

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

1. The national climate change allowances have been updated for all applications validated on/or after 19 February 2016 and we now require all SuDS component to cater for all rainfall events up to and including the 1 in 100 plus 40% for climate change event. The drainage strategy and calculations should be updated accordingly.

2. We note that the drainage for the full application is based upon attenuation and discharge into surface water sewer. Thames Water has been contacted in relation to the connection and has no objection in principle to the scheme. The drainage strategy consists of permeable paving, underground tanks and balancing ponds. However we require clarification on the proposed office site and whether this has been incorporated into the storage and run-off calculations.

We acknowledge that this part of the planning application is for Outline permission. However it is important that certain details are confirmed to ensure that the most appropriate drainage scheme can be implemented to ensure there will be no flood risk to the site and the surrounding area and to demonstrate that an appropriate scheme using the key principles of SuDS are feasible. Therefore we would like as much information as possible for how surface water will be managed on the office development and how it will be incorporated within the whole site.

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage

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

Informative to the LPA

The LPA will need to be satisfied that the proposed drainage strategy will be maintained and managed for the lifetime of the development.

The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Hertfordshire Lead Local Flood Authority further comments

Unfortunately I cannot respond out today however it will be with you tomorrow morning. To let you know our position; we have removed our objection and recommended several conditions.

Hertfordshire Crime Prevention Design officer

Comments

Whilst not against the proposals, there are elements that cause me great concern, in that the current layout will allow for crime and anti-social behaviour (ASB) as has been going on at the nearby Jarman Park retail site in Hemel Hempstead not far away. Police have kept getting called to the private retail site at Jarman Park to deal with customers causing problems for staff in and around fast food takeaway premises, youths displaying in their cars in the car park (mainly late at night and in the early hours of the morning), which has skewed police response in the town centre dealing with the night time economy. Unless these elements are dealt with and where needs conditioned, then I would wish to formally object to this planning application. The reason I will ask for some conditions is that on the nearby Jarman park site, I was assured various things would be put in place but that never happened. If I may explain:

1. Crime Prevention: Due to the type of development proposed and the obvious potential impact on policing I would have expected a stand-alone section on designing out crime from the applicants. In planning crime prevention is seen as an important issue in how a development functions as well as being safe for members of the public.

The National Planning Policy Framework (NPPF) says at:

- Part 58 says about developments should, function for the lifetime of the development; and creating safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.
- Part 64 says that developments should have their planning permission refused for developments that fail to improve an area and the way it functions.
- Part 69 says about, Safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion.

The National Planning Practice Guidance (NPPG) makes reference at various parts of the Design section to Crime Prevention and also specifically:.

It says also at part 010 in the Design section “Designing out crime and designing in Community Safety should be central to the planning and delivery of new development. That councils are required to exercise their functions with due regard to sec 17 of the Crime and Disorder act 1968. That crime should not be seen as a stand-alone issue to be addressed separately from other design considerations.”

b. It says at part 011 in the Design section, “Planning should promote appropriate security measures. That taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits.”

c. It says at part 014 in the Design section, “Planning promoting cohesive and vibrant neighbourhoods... A mix of uses will be successful when they are compatible one with another, interact with each other positively avoiding opportunities for conflict, and encouraging a mix of uses that are both vibrant and safe at all different times.”

Dacorum Core Strategy – CS 12 – re safe access, layout and security

It is therefore clear that Crime Prevention should be addressed for this application

2. Public Car Park: The car parking is very open and there is no mention of any detail to stop youths gathering and displaying on the car park overnight or late evenings. Whilst the car has good clear sight lines across it, there are no speed bumps, or kerbs between the rear of parking spaces to help deter such dangerous and anti-social behaviour. Therefore the car park must be designed to deter such behaviour, which has occurred at nearby Jarman Park.

I would request a planning condition that the public car park across the whole site (including the A5 use car parks) is required to achieve and maintain the Safer Parking Award. This will help the Police to work with the management and owners of the site to deal with problems if they occur in the future, and mean that the car park has been designed and has strategies in place to help deter crime and ASB.

3. Fast Food Takeaways (A5 use): Two such premises are shown. What hours are proposed for these premises? If 24/7/365, these premises could have a significant impact of calls to the police.

In the Design and access Statement (DAS) on page 31 it says: “Together with the other A3 / A5 unit it is well located adjacent to the access road to the site off Maylands Avenue, with good visibility when approaching. Glazing is used extensively in this building in order to maximise active frontage and natural surveillance, the latter is assisted by CCTV where needed to provide a safe environment.”

This provides no detail. I would expect extensive CCTV in and around the A5 uses to help protect staff and help deter crime and provide evidence for court purposes when required. I would also expect every vehicle entering and leaving the site to be captured on a static camera so that the number plate can be read. There should also be CCTV covering the public car parking area generally, as well as the cycle parking areas. Such CCTV should be conditioned to make sure it is fitted and is fit for purpose.

4. Gym use: This is mentioned in the DAS at 03.08.08 at point 2. Such Gyms invariably after they have been open a little while apply to open 24/7/365, which is fine, provided users who leave their cars in the public car park do not have their car broken into during the night-time. This is another reason for requesting a condition that the public car park is required to achieve and maintain its Safer Parking Award as well as have suitable CCTV fitted..

5. Service area to retail units on eastern edge of development:

- In the DAS at 03.09.09 at point 2, it says about pedestrian access points at either end of the retail units. Such pedestrian access causes me some concern, that the service yard area will be open to anyone, which it should not be. This should be a private area, with as few pedestrians as possible, due to HGV's reversing etc and the potential for theft from the rear of HGV, or open rears of retail units, whilst the lorries are being unloaded. Surely there is no need for any pedestrian gate on the south side of this rear service yard area?
- On the Proposed site plan – sheet 1 – 16023/p-003 it shows that the fence around the service yard to be chain link fence. This is not suitable for such areas and should be weldmesh fencing. Yet I note in the DAS at 03.08.12 re 'Furniture' on page 53 it shows a picture of some weldmesh fencing with the caption underneath "Secure fencing around service area". If the fencing were weldmesh and to a minimum height of 2.4m I would be content.

6. Cycle Stands: These are mentioned and location shown on a plan in the DAS at 03.08.12. These areas should have CCTV coverage to deter cycle theft and help encourage cycle use.

7. Requested Conditions:

For information the below specifications for CCTV conditions are in line with Home Office recommendations re specification.

Condition re safer Parking Award:

No development shall take place within the application area, until the applicant has undertaken to install measures, so the site has been approved for the Safer Parking Award by the British Parking Association's Safer Parking Scheme, and this is confirmed by the local Crime Prevention Design Advisor (CPDA) to and approved by the Planning Authority.

Reason: The Safer Parking Scheme is aimed at the management of criminal behaviour within the parking environment. Parking facilities that have achieved the award mean the parking operator has in place measures that help to deter criminal activity and anti-social behaviour, thereby doing everything they can to prevent crime and anti-social behaviour in their parking area.

Condition re CCTV for public parking area on site:

No development shall take place within the application area, until the applicant has undertaken to install CCTV to the following standards,

i. CCTV cameras:

a. CCTV cameras to cover all vehicles entering and leaving the site so that the front and rear number plates can be read from the video. (This is because offenders do not always alter both number plates on a vehicle, and such a camera will also help identify who was driving the vehicle).

b. CCTV cameras to cover the vehicle parking area to a general observation category. (So as to deter crime in this area)

ii. CCTV system

a. Such CCTV recording medium must be a DVD best quality digital system that records for a minimum of 31 days before overwriting; the recording system that will be installed has its own software for playing back the CCTV on the DVD disk (that software needs to go on each playback disc, so that it is possible to replay the disc immediately). That CCTV cameras record at a minimum frame rate of 8 frames per second (FPS) or higher. Whilst the minimum frame rate of 8 frames per second is quoted, it may need to be higher to capture driving through the field of view (FOV) of the camera at the vehicle entrance and exit and may need to increase to 12 FPS.

b. The CCTV system should have a clock and date that are displayed on any clip viewed. The system clock and date should be set correctly and maintained (taking account of GMT and BST). When images are downloaded onto a disc or other medium for police purposes, it needs to be with the time and date integral to the relevant picture.

c. The CCTV storage system should be operated and recorded pictures retained in a secure area.

d. The playback software should have: variable speed control including frame by frame, forward and reverse viewing; be able to display single and multiple cameras and maintain aspect ratio (i.e., the same relative height and width); be able to display a single camera at full resolution; permit the recording from each camera to be searched by time and date.

Reason: To help deter crime and Anti-Social Behaviour as well as helping in the detection and prosecution of offenders, thus making the proposed development safer for members of the public.

Condition for CCTV for hot food take away use (A5)

i. CCTV cameras:

a. CCTV cameras to cover all vehicles entering and leaving the A5 area site so that the front and rear number plates can be read from the video. (This is because offenders do not always alter both number plates on a vehicle, and such a camera will also help identify who was driving the vehicle).

b. CCTV cameras to cover the vehicle parking area to a general observation category. (So as to deter crime in this area)

- c. CCTV cameras to cover the drive- thru lane with a separate cameras covering the order window (booth 1) and pick up window (booth 2), as well as the drive-thru lane past these booths.
- d. CCTV cameras to cover the customer general seating area outside the restaurant to a general observation category.
- e. CCTV cameras to cover all customers entering and leaving the restaurant to a category where customers can be identified if they are offenders.
- f. CCTV cameras to cover to a general observation category inside the restaurant, specifically where customers queue and are served as well as the outer entrance doors to the toilets.

ii. CCTV system

- a. Such CCTV recording medium must be a DVD best quality digital system that records for a minimum of 31 days before overwriting; the recording system that will be installed has its own software for playing back the CCTV on the DVD disk (that software needs to go on each playback disc, so that it is possible to replay the disc immediately). That CCTV cameras record at a minimum frame rate of 8 frames per second (FPS) or higher. Whilst the minimum frame rate of 8 frames per second is quoted, it may need to be higher to capture members of the public walking through the field of view (FOV) of the camera at the pedestrian entrances and may need to increase to 12 FPS.
- b. The CCTV system should have a clock and date that are displayed on any clip viewed. The system clock and date should be set correctly and maintained (taking account of GMT and BST). When images are downloaded onto a disc or other medium for police purposes, it needs to be with the time and date integral to the relevant picture.
- c. The CCTV storage system should be operated and recorded pictures retained in a secure area.
- d. The playback software should have: variable speed control including frame by frame, forward and reverse viewing; be able to display single and multiple cameras and maintain aspect ratio (i.e., the same relative height and width); be able to display a single camera at full resolution; permit the recording from each camera to be searched by time and date.

iii. Management of CCTV system:

When the premises are open then there will always be someone on site who can operate the CCTV system and be able to download images for Police purposes.

Reason: To help deter crime and Anti-Social Behaviour as well as helping in the detection and prosecution of offenders, thus making the proposed development safer for members of the public.

Conclusion: This planning application causes me concern for Crime & Disorder and a potential drain on police resources in the area. If the above conditions were attached

to any consent then this would address my formal objections. I would not be content to accept any assurances from the applicants.

I hope the above is of use to you in your deliberations and will help the development achieve that aims of the National Planning Policy Framework (NPPF).

- 69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

& the National Planning Practice Guidance (NPPG) – Design section

- 010 – re Sec 17 of the Crime and Disorder Act 1998 – to prevent crime & disorder.
- 011 – re taking proportionate security measures being a central consideration to the planning and delivery of new developments and substantive retrofits.

& Dacorum Core Strategy policies:

- CS12 – re safe access, layout and security
- CS13 – re pedestrian friendly, shared spaces in appropriate places

Hertfordshire Crime Prevention Design further comments

I think at this stage it is general designing out crime, rather than just Park Mark condition. If the design of the car park were agreed in planning first, then I would be happy for the Park Mark condition regarding on-going maintenance and management. Reason being if planning permission is granted with just a Park Mark condition, they will say they cannot alter the plan of the car park without planning permission, which they would already have which would then disadvantage the Park Mark condition. They would also say that CCTV was considered in planning and not conditioned so they would not then install CCTV post planning permission.

I'm not against the development but just want the car park layout so it works to stop youths gathering and displaying, and for CCTV of the public realm as per my original consult. I accept that the individual premises will be responsible for CCTV inside their premises and for their car park if that is separate from the main car park.

Thank you for further consulting me with regard to planning application 4/03157/16/MFA at land at Maylands Avenue, Maylands Avenue, Hemel Hempstead for hybrid planning application for the redevelopment of site to provide 12,503 sqm retail (class A1) floor space, 545 sqm of cafe/restaurant (class A3/class A5) floor space, and 180 sqm of cafe/restaurant (class A1/class A3) floor space, with associated parking, access and landscaping (details submitted in full); and office (class B1) building measuring 2,787 sqm (details submitted in outline).

Further comments

I thank the applicants for providing some further plans and information, via yourself. If I can make the further comments as below:

1. Boundary to side of Maylands and side road: Where a grass or perennial wildflower meadow form a border with the public domain (such as Maylands Avenue), will there be any measure to stop travellers pulling up on this and encamping? I note there is a

swale shown, but doubt this will stop vehicles getting onto this area as there is an exit roadway from the car park shown over this. Such a deterrent could be a suitable size bund or ditch?

2. Retractable Bollards: Thanks for sending through the new plan (Ref: 16023/SK109 Car Park Zoning Diagram) which illustrates the positions of the permanent and retractable bollards. Also for the applicants responding into planning following my earlier comments: *"I referred to the use of retractable bollards in the car park during night time hours. These will enable vehicles to enter the car park area for Units 1 – 3, but prevent access to the large car park in front of Units 4 – 11. A new plan (Ref: 16023/SK109 Car Park Zoning Diagram) has been provided which illustrates the positions of the permanent and retractable bollards. The bollards are shown on the originally submitted plans, but this simply shows the lines of bollards more clearly. This will therefore directly address the comments made by Michael Clare in respect of securing the car park at night to prevent people 'displaying' in their cars and causing anti-social behaviour."*

Whilst pleased that the applicants are looking to stop Anti-Social Behaviour (ASB) in the main car park overnight, and their solution is to zone off the main car park overnight by fitting fixed and retractable bollards, there is a lack of detail as to how this will function, which makes me wonder if this is the best solution? If I may explain:

a. It is stated that the shops at units 1 & 4 to 11 will be open from 07:00hrs to 22:00hrs. There is no time given as to when the retractable bollards will be deployed and who will do so. If customers come out of units 4 to 11 at 22:00hrs (having parked in the main car park) and then go on foot over to units 2 or 3 which are described as 24 hour opening (A3/A5 use) and spend some time there having a meal, then it is likely their car will become trapped behind the retractable bollards. What is the intention then regarding the customer being able to get their car out from behind the retractable bollards? How will this function?

b. Bollards that are permanent and retractable are to be used, but no standard is given. Retractable bollards if going to function in such a setting a couple of times a day and resist being damaged, will need to be to BS PAS 68 and 69. So many bollards would be extremely expensive. A retractable bollard of any other type would not be suitable as they would quickly become damaged beyond repair, making them ineffective and opening up the car park to ASB. Would it not be better to have low level landscaping helping to break up the main car park into sections not large enough for cars to display, or have static bollards spaced at the rear of each parked car between the double rows (such as is shown on the Car Parking Zone plan opposite unit 3), or road humps spaced again to prevent youths displaying in their cars?

3. Fencing for Service Yard: I thank the applicants for responding into planning regarding my previous comments: *"A comment was also made in respect of the height of the fencing around the service yard. This has been updated to show 2.4m high wire panel fencing. Drawing Refs: 16023/ P-003 Rev B – 'Proposed Site Plan Sheet 1', and 16023/ P-004 Rev B – 'Proposed Site Plan Sheet 2' are attached which show this. "* I am content that 2.4m weld mesh fencing will be used.

4. CCTV: The applicants have responded into planning regarding my previous comments regarding CCTV: *"In respect of the issues raised in Michael Clare's email dated 04 January 2017, the majority of the comments will be dealt with via a*

management company which will be appointed to manage the site on a day to day basis, dealing with security, landscaping, lighting and hard surfaces. In respect of CCTV we have looked into the possibility of installing it and it is not considered viable or necessary at this site."

There is no detail as regards what the thought process was to dismiss the need for CCTV, and therefore I must disagree with this. My reasons and my justifications for insisting on CCTV are:

a. A management company is mentioned regarding managing the site on a day to day basis, dealing with security, landscaping, lighting and hard surfaces. Again no details are given as to whether there will be a presence every day and between what hours. Whilst not directly a planning issue, it will affect how the site functions, which is a planning issue. The NPPF says about "Function" at paragraphs 58 and 64. Also The NPPG under Design - Para 010 says about, Designing out crime and designing in Community Safety should be central to the planning and delivery of new development. That councils are required to exercise their functions with due regard to sec 17 of the Crime and Disorder act 1968. That crime should not be seen as a stand-alone issue to be addressed separately from other design considerations

b. If security on site is to be dealt with, how many security staff will there be on duty at various times of the 24 hr clock and will this differ on various days at various times. How will they manage the security if there is no CCTV on site that they can monitor, and if needs be prosecute offenders for misbehaving on site and getting civil exclusion orders?

If there are problems on site it will not be the role of the police to sort out the problems, as the land is private and the owners managers of the site have the duty of care to all that use the site whether workers or members of the public. The Police do not patrol nor deal with misbehaviour on private land, and will only attend to investigate crimes and then only when the need arises, depending on what resources are available at that time. This site needs to take responsibility for its own policing and deterring crime on site.

c. Crime Risk: I have assessed the crime risk for the application site at Maylands Avenue based on Jarman Park which is a nearby and similar out of town retail site, where ASB and crime regularly occurs. Jarman Park has CCTV covering the site and has a compliment of its own security staff on site 24/7/365 due to the ASB and crime on site. In between 1st January 2016 to 31st December 2016 the following crimes occurred:

- i. Assault – Common - (14 offences involving 4 at A5 /A3 use – 4 at A1 Supermarket use)
- ii. Assault – ABH – (6 offences involving 1 in car park of A1 Supermarket and 4 at A5/A3 use)
- iii. Assault Racially Aggravated – (1 offence at A3/A5 use)
- iv. Burglary` – (2 offences 1 at A1 use and 1 at A3/A5 use)

- v. Criminal Damage – (7 offences involving 4 at A3/A5 use – 2 at A1 Supermarket car Park and 1 in general car park)
- vi. Driving whilst disqualified – (1 x offence in general car park)
- vii. Driving over alcohol limit – (1 offence in A1 Supermarket car park)
- viii. Drugs – possession – (2 offences both in general car park)
- ix. Drunk and Disorderly – (1 offence outside A1 Supermarket use)
- x. Fly Tipping – (1 offence in general car park)
- xi. Using Counterfeit notes – (4 offences at A1 Supermarket use)
- xii. Harassment – (5 offences involving 1 at A1 Supermarket use, 1 at Gym and 3 in general car park)
- xiii. Public Order offences – (11 offences involving 1 at A1 Supermarket and 1 at A1 Supermarket car park, 6 offences at A3/A5 use and 3 in the general car park)
- ixx. Obstruct Police – 1(offence in car park at A1 Supermarket use)
- xx. Robbery – (4 offences involving 3 in general car park and 1 outside A1 Supermarket use)
- xxi. Theft from Person - (7 offences involving 2 in general car park – 1 at A1 Supermarket car park, 1 at A3/A5 use and 3 at A1 Supermarket)
- xxii. Theft – (14 offences involving 3 general car park area, 2 at A1 Supermarket and 1 at A1 Supermarket Car park, 5 at A3/A5 use, 4 at various other A1 and D2 use).
- xxiii. Theft from machine – (1 offence at D2 use)
- ixxx. Theft from motor vehicle – (5 offences involving 3 in general car park and 2 at A1 Supermarket use)
- xxx. Theft from shop – (27 offences involving 25 at A1 Supermarket use – 2 at A3/ A5 use)
- xxxi. Making off without payment (13 offences involving 5 offences at A1 Supermarket use, 7 at A3 use, 1 at A1 use)
- xxxii. Theft of pedal cycle – (3 offences from general car park area.)

I have left out offences that occurred at the petrol filling station at Jarman Park as there isn't a petrol station at the proposed site.

From the above it can be seen the range of offences that not only occur in shops and restaurants / hot food takeaway premises, but also in the various car park areas, such as will be at the proposed Maylands Avenue site. The external CCTV at Jarman Park has helped police in the investigation of crimes that occur not only in the car parks but capturing vehicles and index numbers of offenders vehicles who have committed offences within the various premises. For the applicants to say they have looked at CCTV and they consider it is not viable or necessary, without any explanation is not acceptable.

As can be seen from the above crimes reported to police in one year at a nearby site, the Maylands site is likely to also be a drain on police resources and therefore the provision of CCTV will not only help deter crime, help protect the members of the public who will use the site, help protect staff on site. It is not right to build a new out of town shopping and leisure area and try to abrogate any responsibility for deterring crime and protection of members of the public who will use the site.

Conclusion: My objections still stand.

Hertfordshire Fire and Rescue

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

Water Supplies

1. Water supplies should be provided in accordance with BS 9999.
2. 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 BS750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
 - Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source or supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.
3. In addition, buildings fitted with fire mains must have a suitable hydrant sited within 18m of the hard standing facility provided for the fire pumping service appliance.

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

Hertfordshire Fire and Rescue - further comments

I am happy for the provision of hydrants to be done under conditions.

Hertfordshire Property Services

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

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

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

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

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

Section 106 planning obligation clauses can be provided on request.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link:
www.hertsdirect.org/planningobligationstoolkit

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

- (i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning

obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

Hertfordshire Environmental Records Centre

We do not hold any biological records (species or habitat) for the application site. The area immediately to the east has some ecological value but is only designated as an Eco Site, therefore outlining its potential as a wildlife site. As such it does not carry any statutory or non-statutory protection.

The Ecological Appraisal submitted with the application has provided evidence that only breeding birds could form an ecological constraint. Other ecological surveys (reptiles for example) were conducted but showed no evidence of a population that could be negatively harmed by the development. I would therefore suggest that the following Condition be placed within any planning decision.

No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and the 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

The Design and Access Statement has also produced an outline landscape plan which looks to include a variety of native planting and habitats types. Hertfordshire Ecology supports this aspiration, and would like to suggest that the applicant consider including specific habitat features such as bat and bird boxes, log piles, and consider the use of green and brown roofs, and green walls in their overall design. I would also suggest that the landscape plan is secured through a condition of the planning decision.

A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organisation responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results form monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Hertfordshire 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.

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 to be removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development and provide comment to the borough council. Completed SWMPs should be passed onto the Waste Planning Authority to collate the data after the development.

Environment Agency

Thank you for consulting us on this application. The preliminary risk assessment shows there is potential contamination to ground. The site is located in SPZ3 on a principal secondary aquifer. Therefore these proposals need to be dealt with in a way which protects the underlying groundwater.

We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled

waters for this site as we need to concentrate our local resources on the highest risk proposals.

We recommend however that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are still followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be additional to the risk to human health that your Environmental Health Department will be looking at.

We expect reports and Risk Assessments to be prepared in line with our 'Groundwater protection: Principles and practice' document (commonly referred to as GP3) and CLR11 (Model Procedures for the Management of Land Contamination).

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

From www.gov.uk:

Groundwater Protection: Principles and Practice (August 2013)

- Our Technical Guidance Pages, which includes links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC (Environment Agency's Guiding Principles for Land Contamination) in the 'overarching documents' section
- Use MCERTS accredited methods for testing contaminated soils at the site

From planningguidance.planningportal.gov.uk:

- Land affected by contamination

British Standards when investigating potentially contaminated sites and groundwater:

- BS 5930: 1999 A2:2010 Code of practice for site investigations
- BS 10175:2011 Code of practice for investigation of potentially contaminated sites
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of

groundwaters

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management)

Thames Water

Waste Comments

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Supplementary Comments

Based on provided Drainage Strategy (drawings S(52)-01 and S(52)-02 rev C) we have no objection to the both phases of above planning application.

Affinity Water

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

National Grid

An assessment has been carried out with respect to National Grid Electricity Transmission plc's, National Grid Gas plc's and National Grid Gas Distribution Ltd's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of National Grid's network areas please see the National Grid website (<http://www.nationalgrid.com/uk/Gas/Safety/work/>) or the enclosed documentation.

Are My Works Affected?

National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform National Grid, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of National Grid apparatus, we will not take any further action.

Please let us know whether National Grid can provide you with technical or other information that may be of assistance to you in the determination of the application.

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Grid Electricity Transmission plc (NGET), National Grid Gas plc (NGG) and National Grid Gas Distribution Ltd (NGGD) apparatus. This assessment does **NOT** include:

National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact National Grid.

Gas service pipes and related apparatus

Recently installed apparatus

Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities.

Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Grid's easements or wayleaves nor any planning or building regulations applications.

NGG, NGET and NGGD or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the National Grid Plant Protection team via e-mail or via the contact details at the top of this response.

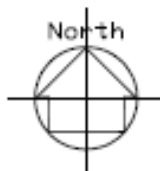
Item 5c

4/02528/16/FUL- CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH NEW ACCESS FROM BULBOURNE ROAD

GAMNEL FARM, BULBOURNE ROAD, TRING, HP23 5HF



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CLIENT	
MILLSTONE HOMES LTD	
PROJECT	
GAMNEL FARM BULBOURNE ROAD, TRING	
TITLE	
Location Plan	
SCALE	DATE
1:2500 @ A4	18.09.18
ISSUE	PROJECT NO.
-	15.527
L.001 -	

**4/02528/16/FUL - CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH NEW ACCESS FROM BULBOURNE ROAD.
GAMNEL FARM, BULBOURNE ROAD, TRING, HP23 5HF.
APPLICANT: Millstone Homes Ltd.**

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

The site is within the Green Belt. The proposed residential development is inappropriate development which is by definition harmful to the Green Belt. Very special circumstances are necessary to justify the proposal.

The site is subject to an extant planning permission for 2 dwellings with a modified access from Bulbourne Road. The principle of residential development on this site has therefore been accepted. This is the lawful 'starting point' / 'fallback position' for the LPA's consideration of the very special circumstances. The physical impact of the proposed development would not be materially different to the approved scheme, which in turn was considered acceptable on account of previous development at this site. On this basis and notwithstanding the increase in the number of dwellings it is considered that there is a case to grant permission with no other harm.

The revised design overcomes the design objections to the originally submitted scheme given the site's setting in relation to the Chilterns Area of Outstanding Natural Beauty.

Hertfordshire County Council Highways confirms there are no highway safety objections. There are no other detailed objections subject to the imposition of conditions.

Site Description

Gamnel Farm is located in the Green Belt off the Bulbourne Road just to the north east of the built up edge of Tring, adjoining the Chilterns Area of Outstanding Natural Beauty. The former New Mill Social Centre now featuring 6 dwellings is to the south west separated by a field.

The site is subject to an extant planning permission for 2 dwellings (1517 sqm) and a new access as referred below under the Planning History.

The site is served by a longstanding main vehicular access linked to Bulbourne Road. The land has been cleared of all the original buildings serving Gamnel Farm which featured a two storey farmhouse. The site is now very visible from Bulbourne Road featuring chalk piles adjoining the higher dwelling known as Alverston to the immediate north. The gated access adjoins the now boarded rising site frontage to Bulbourne Road. The boarding was installed following the recent removal of a row of substantial conifer trees.

Gamnel Farm was of the mid-19th Century origin. In addition to the farmhouse it was apparently served by a range of brick built outbuildings, stables and barns. The land features an open barn used for the storage of construction equipment.

To the north of the site there is a significant area of additional land owned by the applicant.

Proposal

This is for the construction of 4 four bedroom detached dwellings of gable roof design with

slate roof and timber clad, brick and stone finished dwellings served by a new centralised access off Bulbourne Road. The dwellings will be set back from the road frontage. The internal layout features a central shared access road with two dwellings to each side. The dwellings on the south west will be two storey. Those opposite on the north east will be three storey with basements. The proposed floor space is 1512 sqm. Each dwelling will be served with some curtilage parking and substantial gardens. The subdivision of the plot involves House 3 featuring a garden facing onto Bulbourne Road.

The proposed development follows a very similar building footprint to the approved extant scheme with no changes to the building heights and marginally less floor space.

The Original Scheme has been modified/ reconsidered by the Applicant/ Agent to address the Conservation & Design Team's response. The Agent has made the following observations in the submission / preparation of the Revised Scheme:

- Retention of the 2 proposed buildings as detached houses. This is because it is considered they will read as one building from most viewpoints.
- Removal of the undercover area from Plot 3.
- Removal of the chimneys.
- The increased height observed by the Conservation and Design Team . The ridge and eaves match exactly the approved scheme.

The Revised Scheme has been further changed to show indicative structural planting along the Bulbourne Road frontage and internally.

Referral to Committee

This is referred to the DCC as the recommendation is contrary to the views of Tring Town Council.

Relevant Site Planning History

Planning Permission 4/01914/12/FUL. December 2012.

Demolition of existing house, barn and stables and construction of two detached dwellings with new access and rear private paddock. The development included the closure of the two frontage accesses and the replacement with a new access.

Conditions imposed included pre commencement requirements (materials, levels, contamination, sustainable construction), sight lines, pedestrian splays, parking , the residential curtilages differentiation from an adjoining paddock, the withdrawal permitted development rights and compliance with the approved plans.

This permission is extant as explained below.

Decision 4/03773/15/DRC. October 2015.

The LPA discharged the conditions addressing materials, levels, contamination and sustainable construction.

Note: The Scientific Officer only recommended the partial discharge of the contamination condition no. 10 - parts (a) and (b). The condition also required the compliance with its parts (c) and (d) before commencement unless otherwise agreed. As Application 4/03773/15/DRC was submitted to discharge Condition 10 in its entirety and the LPA discharged this in full, it is concluded that there has been compliance with all the pre commencement conditions.

On this basis Planning Permission 4/01914/12/FUL is extant - the Agent has confirmed the commencement of development at the site and that work stopped on site pending the outcome

of a pre application submission made in March 2016. The developer had concerns about the approved layouts and the commercial viability of the dwellings in their approved form.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS5 - The Green Belt
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
CS24 - Chilterns Area of Outstanding Natural Beauty
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 12, 13, 15, 18, 23, 51, 54, 58, 61, 63, 97, 99, 111, 113 and 118

Appendices 3 5 and 8

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Landscape Character Assessment (May 2004)
Chilterns Buildings Design Guide and associated documents
Affordable Housing (Jan 2013)

Advice Notes and Appraisals

Sustainable Development Advice Note

Constraints

Green Belt
Adjoining Chilterns AONB
Former Land Use
Air Safeguarding Area
Community Infrastructure Levy Area 2

Representations

Tring Town Council

Tring Town Council recommend rejection of this application as currently set out on the grounds of road safety. The access to the site is one where there have been accidents including a fatality. The site is close to a bend towards the summit of the hill and is a frost pocket. Consequently, the access needs to be as close as possible to the New Mill boundary of the site.

Design & Conservation

Original Scheme

The Gammel Farm site currently has planning permission for 2 replacement dwellings, a dwelling replacing the existing 19th century farm house and a second property in the form of a barn. The site is adjacent to the Chilterns AONB so any impact upon the setting of the AONB will need consideration.

The previous scheme underwent extensive negotiation with planning and conservation officers to achieve a scheme which was considered suitable in this rural location – essentially reflecting the previous built form on the site of a large farmhouse and more subservient barn adjacent. The buildings were set back further into the site, thereby reducing their visual intrusion locally.

The revised scheme is considered to present some issues:

The barn-like dwelling (previously approved) is to be replaced by two properties – this in itself is acceptable however it is suggested that the properties more closely resemble barns and their design is simplified. Could the two separate dwellings adjoin rather than be separate? – this would provide a greater linear quality to the new development, more typical of farm barns. The ridge and eaves height of the proposed new dwellings (plots 3 and 4) looks to have been raised? – thereby giving them more house-like proportions, the ridge / eaves heights should be lowered. The chimney stacks should be omitted. The projecting gables should be reduced in size and the open ground floor of house 3 (to give a covered area below the projecting gable) is not typical of barn like dwellings and should be amended.

It would be preferable if the proposed 'farm house' was one large building, subdivided; rather than two separate dwellings directly adjacent. Victorian / Edwardian properties would never have been built so close together in a rural location and many farm cottages were built as adjoining mirrored pairs; perhaps a semi-detached pair of houses would be more suitable in terms of design.

The proposed amendments are felt to have watered down the previously approved scheme, whilst there is scope for 4 dwellings instead of 2, it is suggested that the design and form, particularly of houses 3 and 4 are amended and the option of building semi-detached / adjoining units is considered.

Revised Scheme

The amendments give the new dwellings (plots 3 and 4) a more 'barn-like' appearance which

is considered more appropriate in this rural area outside Tring. Recommend approval subject to a condition requiring details of materials to be submitted.

Building Control

Response awaited.

Scientific Officer

The site is located within the vicinity of potentially contaminative former land uses (farm land). Consequently there may be land contamination issues associated with this site. It is recommended that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247)

Hertfordshire County Council: Highways

Decision

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

- 1) Visibility splays of not less than 2.4m x 78m shall be provided, and thereafter maintained, in both directions from the new access onto Bulbourne Road, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. *Reason: In the interest of highway safety.*
- 2) Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of all the access, within which there shall be no obstruction to visibility between 0.6m and 2m above the footway. *Reason: In the interest of highway safety.*
- 3) The development shall not be occupied until the access, car parking and turning areas have been constructed and surfaced. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time. *Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses.*
- 4) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway. *Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.*
- 5) Within 1 month of the new access brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb/removing the existing bell mouth/ and reinstating the footway to the same line, level and detail as the adjoining footway and highway boundary. *Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.*

Highway informative

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments".

The costs incurred for the construction of the new vehicle access, the sealing up of any redundant crossovers not part of the final approved scheme, will be borne by the applicant.

Highway Comments

The above application is for the demolition of the existing farmhouse and stables and construction of two detached dwellings served by a new 5.0m wide access road. The connection onto Bulbourne road will be via a radius junction type, as shown on the submitted plan no 1C 912/11/2012

- *Access*

Access to the site will be from one new vehicle access as mentioned above. All existing crossovers onto Bulbourne Road that are not part of this new access are to be closed off. Bulbourne Road is a classified B road, secondary distributor. The access road leading to the properties will be a shared surface access road, 5.0m wide and it is not proposed to offer this road for highway adoption.

- *Parking*

The application form states that there are eight off street parking spaces within the site and that this will remain unchanged as part of this development

The Local Authority is the parking authority and they will ultimately determine the amount of off street parking that is required as per their parking standards. This will include requirements for disabled parking if appropriate.

Conclusion

The highway authority does not consider the proposal will result in a significant impact on the safety and operation of the adjacent highway consequently; it does not consider it could substantiate a highway objection to this proposal. Therefore, the highway authority has no objection (subject to the above conditions) to the grant of permission.

Hertfordshire County Council: Historic Environment

The proposed development lies on the site of Gamnel Farm which is recorded in the Historic Environment Record (HER: 16073), although I note the building has been demolished after suffering fire damage. The 1888 OS Map shows the farm was once more extensive than the more recent layout and contained a large 'T' shaped farmhouse and at least six ancillary barns arranged around a courtyard.

The site is first recorded in 1296 as associated with Ralph Gamel (*The Place Names of Hertfordshire*, 1970) and is therefore likely to have medieval origins that were built over by successive generations.

Given the above, the position and scale of the proposed development is such that it is likely to have an impact on heritage assets of archaeological interest dating to the medieval and post-medieval periods. It is recommended that the following provisions be made, should you be minded to grant consent;

- the archaeological field evaluation via a process of 'trial trench evaluation' to the archaeological horizon, of the proposed building footprint,
- the archaeological monitoring of the groundworks for the proposed building, services and of any other works which will be the subject of significant ground disturbance, as appropriate,
- the archaeological investigation of any remains encountered during this process, and a contingency for the preservation of any remains *in situ*, if warranted,
- the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results, and
- such other provisions as may be necessary to protect the archaeological interest of the site.

These recommendations are both reasonable and necessary to provide properly for the likely

archaeological implications of this development proposal. These recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

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

Condition A

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

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

Condition B

- Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.
- 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 A and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Hertfordshire County Council: Property Services: Infrastructure Officer

Herts Property Services do 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. Notwithstanding this, HCC reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

Hertfordshire County Council: Planning Obligations

This response is in respect of planning obligations sought by HCC towards fire hydrants to minimise the impact of development on HCC Services for the local community.

Based on the information provided to date HCC would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. HCC reserves the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in 123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. HCC as the Statutory Fire Authority has a duty to ensure firefighting facilities are provided on new

developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

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

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

Section 106 planning obligation clauses can be provided on request.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit

HCC seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. HCC as the Statutory Fire Authority has a duty to ensure firefighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for firefighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme

designed for this proposal.

Thames Water

Comments awaited.

Veolia Water

Comments awaited.

Chiltern Society

CS's representative visited this site while it was being cleared of a lot of derelict material.

CS know there was a house and outbuildings there which were left derelict for a long time, so welcome the scheme now proposed as it will be an improvement on this site.

CS note that planning permission had been given previously for 2 houses, and now 4 houses are proposed, but on a slightly smaller footprint. The houses are close together which is good. They will not encroach on the openness of the area any more than is necessary.

CS believe the access will be the same as was approved in previous application.

Of course the neighbours at Alverston will be consulted, and their opinion is important.

CS have no objection to this application.

Response to Neighbour Notification / Site Notice

(Note : There was a need to replace the first notice which was removed within a few days of being installed)

None.

Considerations

The main issues are:

- The principle. The Green Belt Implications.
- The visual implications.
- Highway safety.

Policy and Principle

These relate to the Green Belt implications.

Context

Under the National Planning Policy Framework para 89 a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;

- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Para 90 confirms that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering operations and the re-use of buildings provided that the buildings are of permanent construction.

In granting Planning Permission 4/01914/12/FUL the Officer Report noted:

'The site lies in the Green Belt wherein there is a presumption against inappropriate development, the fact that there has been a previous (expired) consent for conversion of farm buildings to residential, plus garaging and change of use of agricultural land to domestic garden, will carry significant weight.

As the existing large house on site is unfit for habitable use due to a fire, it is therefore accepted that to demolish and reposition a house further away from the front boundary and to allow for a better landscaped frontage would be a significant improvement on the site as viewed within its Green Belt context.

Similarly, it has already been accepted through the 2006 planning consent (see above) that the existing, centrally-positioned barn and the remains of a smaller barn along the side boundary, can be replaced by habitable floor space. The NPPF is the only change since that consent and that there is no overriding local planning policy or central government advice, that would alter the planning approach to accepting this replacement floor space.

Hence to provide two dwellings of the same floor space is acceptable in principle.

The acceptability of this particular scheme therefore rests on whether the two replacement dwellings will have a reduced impact, in terms of the height and overall bulk and positioning, on the openness of the Green Belt.

It is noted that the main two storey dwelling is slightly taller than the existing house, however, the plans demonstrate that due to slightly falling ground levels within the site that due to its new positioning that its overall ridge height will appear slightly lower than the existing one. It is accepted that as it is perceived to be smaller and set further back into the site that overall its impact will be slightly less.

The loss of the tall barn and the previous barn and their replacement by one building, as a barnlike conversion, will again produce a lesser visual bulk to the site.

Thus, this scheme demonstrates that it will create a slightly reduced visual impact on the

Green Belt and can be supported under policy grounds'.

Dacorum Core Strategy Policy CS5 complies with the NPPF.

Assessment

The site history confirms that the LPA considered that in granting permission 4/01914/12/ FUL there was a case to support two dwellings in the Green Belt with due regard to the site history, the NPPF and the development's scale.

After very careful consideration with due regard to the NPPF and Dacorum Core Strategy Policy CS5, it is interpreted that the now proposed buildings dwellings are inappropriate development in the Green Belt. The access is appropriate development serving inappropriate development. In terms of applying Green Belt policy It has been taken into account that the site was previously developed but has been wholly cleared with no buildings and some of those buildings were not residential.

As the residential development is inappropriate in the Green Belt -as by definition it is harmful - it should not be approved except in very special circumstances as explained by para 87 of the NPPF. As clarified by NPPF para 88 when considering any application the LPA should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other considerations is outweighed.

In this case the site the site is subject to Planning Permission 4/01914/12/FUL. Fundamentally the fallback position of this live permission represents the very special circumstances in the consideration of the current application.

In this context in comparing the extant and proposed schemes there is physically marginal material difference. Therefore in this context the effect upon the 'approved and proposed openness ' of the Green Belt is interpreted as neutral. The layout by reason of the additional two dwellings will be likely to slightly affect the openness by the increased effects parking. The pressures for outbuildings/ garaging may also be more. Also the garden of Dwelling 3 also faces Bulbourne Road. However, with the withdrawal of permitted development rights- as in the case of the extant 4/01914/12/FUL - and immediate controls over new development at Dwelling 3 confirm there would not be a robust case to refuse the application for these reasons.

It is concluded that due to the parallels between the extant and proposed schemes there are very special circumstances to justify the proposal in the Green Belt given the significant strength of the fallback position.

Design/ Visual Implications

This is set against the site's relative prominence in this urban fringe location adjoining the Chilterns AONB.

In assessing 4/01914/12/FUL the Officer Report noted:

'Overall design and effect on Street Scene

The Conservation Officer has commented that the scheme proposes a total demolition of the

farmhouse and the three serving outbuildings and replacing them with a new farmhouse together with a second house in the form of a barn. The proposed two buildings are to be located deeper into the site than the existing farmhouse and frontage barn, which will allow them to be set at a lower ground level and enabling a soft landscape area to be created between the buildings and the road. Although the overall height of the new buildings remains fairly consistent with the existing building group the recessed siting will reduce the extent of their visual intrusion within the area.

He considers that the design of the buildings, which is the result of extensive negotiation with this planning and conservation officers, take on the form of a traditional farmhouse and a barn which it is considered will contribute to the buildings setting within their rural location.

He considers that from a design aspect the buildings are considered acceptable for approval but it is essential that a high standard of materials are used. As a result a number of sample details would be required by condition.

For the above reasons there would be no adverse effects on the street scene.

The visual appearance of the site would be significantly improved by the development. The development proposed would sit sympathetically within the street scene and would represent an improvement over the existing situation.

The site itself abuts the Chilterns AONB, however, through the loss of the portal framed barn and the design and siting of the two new dwellings it is considered that there will be no harmful impact on the appearance or character of the adjoining AONB and thus will comply with Policy 97 objectives. Furthermore, it is considered that the design details and the materials proposed will be in accordance with the design principles and materials advocated through the Chilterns Building Design Guide'.

Again the fallback position is the extant planning permission. With due regard to a comparison between the approved and proposed schemes and the Conservation Team's response to the Revised Scheme there are now no design objections. As the site is not within the Chilterns AONB the LPA could not impose a condition regarding the use of timber doors and windows and metal rainwater gutters and downpipes. However the proposed use of oak windows is very positive.

Layout

All the dwellings will be served by significant sized gardens. In granting permission in 2012 no noise or air quality issues were identified. It is acknowledged that the main garden of one dwelling (House 3) adjoins the Bulbourne Road where there will be more noise and potentially poorer air quality. However this is a deep garden. A condition regarding the noise attenuation of this dwelling is recommended.

The layout provides a communal area at the front of the site which can provide for communal visitor parking, refuse collection and additional landscaping.

Impact on Neighbours

This is in the context of Dacorum Core Strategy Policies CS12 and CS32 and the NPPF paragraph 133.

There will be no harm to the residential amenity of the adjoining Alverston in terms of privacy, physical impact and noise/ disturbance.

Highway Safety/ Access/ Emergency - Refuse- Service Access/Parking/ Traffic Generation/

Sustainable Location /Inclusive Access/ Access for Persons with Disabilities

Highway Safety and Access

Based upon the fallback position of Planning Permission 4/01914/12/FUL there is approval for the new access from the Bulbourne Road and the closure of the existing. HCC Highways raised no objections to this change in 2012. This assessment took into account the sight lines and traffic generation. The current application reinforces the approved approach. Again HCC Highways raises no objections subject to the imposition of conditions. The removal of the conifer trees demonstrates the daytime sight line visibility in both directions.

It is fully acknowledged that this is a very busy stretch of highway and the access is close to the brow of the hill as observed by Tring Town Council which raises major highway safety objections. Exiting and entering the access day and night will not be straightforward, however fundamentally based upon CC Highways advice there would not be a case to refuse the application based upon highway safety.

Internal Layout. The layout plan accommodates adequate scope for additional parking provision with no general, fire and emergency access, refuse servicing and turning objections. Access for persons with disabilities/ limited mobility is an integral part of the development. The dwellings can also be adapted to lifetime homes. A condition regarding fire access and fire hydrant provision are recommended.

Sustainable Location. The site is very close to a very long established built up part of Tring comprising of the historic New Mill and more modern development. At New Mill many dwellings benefit from a range of local facilities with opportunities for accessibility by foot, bus and cycle. The area is served by the local and wider bus network. Bulbourne is also accessible which features a garden centre, pubic house, Wildlife Centre and the Grand Union Canal.

Construction. It will be expected that wheel washing facilities are provided in site during the whole construction period.

Ecological Implications/ Biodiversity

The recently received planting scheme is in the interests of providing biodiversity benefits.

Drainage/ Contamination/ Land Stability

Drainage. Conditions are recommended. The site is not in a flood zone.

Contamination. Conditions are recommended .This is based upon the Scientific Officer's advice upon the discharge of conditions for the extant permission.

Land Stability. The onus is with developer to ensure that land is not subject to any known natural or artificial geological conditions which would militate against the construction of the development. A informative is recommended.

Water Supply. There have been no responses from Affinity Water. .

Sustainable Construction

The application's supporting documentation confirms an acceptable approach.

Archaeological Implications

Conditions are recommended in accordance with HCC's Historic Environment advice. This is notwithstanding that there were not imposed in respect of the extant permission.

Crime Prevention/ Security

Despite the relatively isolated location the layout is designed with inbuilt natural surveillance. Boundary treatment will be important. In this location there will be some inevitable individual external lighting requirements

Lighting

As this is a sensitive E1 Lighting Zone a condition is recommended. The use of anti-light pollution glass would be beneficial.

Archaeological Implications

Standard archaeological conditions are necessary.

Conditions

Those recommended are wide ranging and are more comprehensive than the extant permission. They are however necessary to ensure that the development is accommodated at the site in accordance with the relevant policies in this sensitive location, taking into account the considerations in the report and the specialist advice of the technical consultees.

Air Safeguarding

There are no implications.

Community Infrastructure Levy

This will be necessary.

Environmental Impact Assessment

This is not required.

Conclusions

Two detached dwellinghouses can be built at the site under the extant planning permission. This is the fallback position. With due regard to a comparison between of the approved and proposed schemes in terms of footprint, floor space and scale there is a case to recommend permission based upon their similarities in terms of the impact upon the Green Belt justifying very special circumstances with no other harm. The latter relates to no design or highway safety objections.

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 **No development shall take place until samples of the materials proposed to be used on the external walls/roofs of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To safeguard the character and appearance of the Green Bell and the setting of Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12 and CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 3 **No development shall take place until details of the materials proposed to be used on the surfaces of the roadway, turning and parking areas have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To safeguard the character and appearance of the Green Belt and the setting of Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12 and CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 4 **No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.**

Reason: To safeguard the character and appearance of the Green Belt and the setting of Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12 and CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 5 **Details of the type of planting in the areas shown by the approved drawings shall be submitted to the local planning authority within 6 months of the date of this decision.**

The scheme for planting shall also include the area between Houses 1 and the Bulbourne Road frontage and its future management. The approved planting shall be carried out fully in accordance with the approved details in the planting season following the first occupation of any of the dwellinghouses

hereby permitted. If within a period of five years from the date of the planting of any tree that tree, or any tree planted, shrub or section of hedge or replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree, shrub or section of hedge of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation. For the purposes of this condition the planting season is between 1 October and 31 March.

Reason: To safeguard the character and appearance of the Green Belt and the setting of the Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12, CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 6 **Details of all internal boundary fencing, including any acoustic fencing between the garden of House 2 with Bulbourne Road shall be submitted to the local planning authority in writing within 6 months of the date of this decision. The approved boundary fencing shall be installed fully in accordance with the approved details before the first occupation of any of the dwellings hereby permitted and shall be thereafter retained at all times.**

Reason: To safeguard the character and appearance of the Green Belt and the setting of Chilterns Area of Outstanding Natural Beauty and the interests of residential amenity in accordance with Policies CS5, CS12, CS24 and CS32 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 7 **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 requirements 1.0 and 2.0 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 2.0 has been complied with in relation to that contamination.**

procedures for the Management of Land Contamination, CLR 11'.

1.0 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.

2.0 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 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), 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 (c).

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 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

- 8 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 7 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development to accord with Policy 32 of the Dacorum Core Strategy.

- 9 **Prior to the commencement of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff so that it does not discharge into the highway or foul water system. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with the aims of Policies CS12 and CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 10 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation and turning shown on Drawing No.C204 Rev C shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved. The roadway shall constructed with**

a 13.5m tonne loading.

Reason: To ensure the provision of an acceptable means of access to the site for all vehicles including emergency and refuse vehicles and so as not to compromise highway safety in accordance with Dacorum Core Strategy Policies CS8 & CS12 and saved Dacorum Borough Local Plan Policies 54 and 55.

- 11 **Visibility splays of not less than 2.4 m x 78m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.**

Reason: In the interests of highway safety in accordance with Dacorum Core Strategy Policies CS8 & CS12 and saved Dacorum Borough Local Plan Policy 54..

- 12 **Pedestrian visibility splays of 2 m x 2 m shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interests of highway safety in accordance with Dacorum Core Strategy Policies CS8 & CS12 and saved Dacorum Borough Local Plan Policy 54..

- 13 **Within one month of the first use of the access hereby permitted being first brought into use the existing accesses shall be stopped up and closed by removing the vehicle crossover, raising the kerb and reinstating the footway surface.**

Reason: In the interests of highway safety in accordance with Dacorum Core Strategy Policies CBS 8 & CS12 and saved Dacorum Borough Local Plan Policies 54 and 55

- 14 **Detailed proposals for the fire hydrant(s) serving the development shall be submitted in writing to the local planning authority within 6 months of the date of this decision and the approved fire hydrant(s) shall be provided prior to occupation of any dwelling house forming part of the development hereby permitted and thereafter shall be retained at all times.**

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with Dacorum Core Strategy Policies CS12 and CS29 and Saved Policy 54 of Dacorum Borough Local Plan.

- 15 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 within the residential curtilages of the dwellinghouses hereby permitted:**

Schedule 2 Part 1 Classes A, B, C, D and E

Part 2 Class B

Reason To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Green Belt and the setting of the Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS8 and CS12 of Dacorum Core Strategy .

- 16 **No 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 to accord with Policy CS27 of the Dacorum Core Strategy.

- 17 **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 15 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 Dacorum Core Strategy.

- 18 **The development shall be constructed and maintained fully in accordance with the submitted approach to submitted Sustainable Design and Construction Statement shall be submitted to the local planning authority.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy.

- 19 **Details of all exterior lighting to be installed at the application site shall be submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed and thereafter retained fully in accordance with the approved details.**

Reason: To safeguard the character and appearance of the Green Belt and the setting of Chilterns Area of Outstanding Natural Beauty, the residential amenity of the locality, highway safety, biodiversity, access for persons with disabilities and crime prevention/security in accordance with Policies CS5, CS12 , CS24 , CS25 and CS32 of Dacorum Core Strategy and Polices 97 and 113 and Appendix 8 of

the saved Dacorum Borough Local Plan.

- 20 **The domestic gardens for the dwellings hereby permitted only extend to the rear garden boundary line of Houses 1, 3 and 4 as identified on Drawing No.C204 Rev C.**

Reason: To safeguard the character and appearance of the Green Bell and the setting of Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12 and CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

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

L001 site location plan

C101

C204 Rev C

B001

C200

C201

C202 Rev B

C203 Rev B

C205

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

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 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.

NOTE 1:

This decision to grant planning permission has been taken for the following reason, having regard to the relevant policies of the development plan , national planning policy/guidance, to all other material planning considerations, including relevant supplementary planning guidance, the imposition of conditions and the advice of expert technical consultees.

The site is located in the Green Belt and adjoins the Chilterns Area of Outstanding Beauty served by a long established vehicular access. There is an extant planning permission for residential development at the site served by an approved access. The proposal represents an acceptable alternative to the extant permission in terms of the Green Belt implications and highway safety implications. There are no detailed objections to the development subject to the imposition of conditions..

Informatives

Land Stability

The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Highways Safety

In the interests of highway safety during construction wheel cleaning facilities for construction vehicles should be made available at all times.

Item 5d

4/00930/16/FUL- REPLACEMENT DWELLING

WINCHWICKS, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG



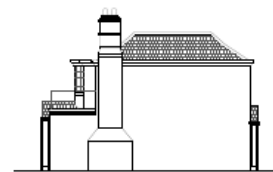
Item 5d

4/00930/16/FUL- REPLACEMENT DWELLING

WINCHWICKS, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG



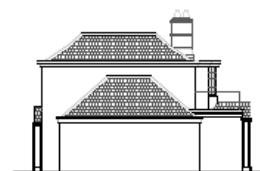
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

**4/00930/16/FUL - REPLACEMENT DWELLING.
WINCHWICKS, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG.
APPLICANT: Mr Turner.**

[Case Officer - Jason Seed]

Summary

The application is recommended for approval. The proposed replacement dwelling is not materially larger than the existing dwelling. The proposed development complies with Paragraph 89 of the NPPF and Policies CS5, CS11, CS12, CS13 and CS24 of the Core Strategy.

Site Description

The application site comprises a detached two storey dwellinghouse which is situated on the eastern side of Frithsden Copse, Potten End. The existing dwelling, like those within the surrounding area, is located within a spacious plot. The surrounding area comprises detached dwellinghouses within the wider area, a large woodland area to the north and east and the neighbouring properties of Acrefield to the south and Woodstock to the north-west.

The site is subject to the following relevant planning designations: Green Belt, Chilterns AONB, Area of Archaeological Importance.

It should be noted that whilst the proposal site address is Potten End, it is situated outside of the Village Boundary as defined by the Proposals Map.

Proposal

The application seeks full planning permission for the replacement of the existing dwelling. A number of revisions to the original proposal have been submitted since the application was made in response to consultation comments and Officer's concerns, although the focus of this assessment is on those plans which have been most recently submitted and are identified within Condition 2 which is provided at the end of this report.

Referral to Committee

The application is referred to the Development Control Committee due to the exercising of call-in powers by Ward Councillor Douris.

Planning History

4/00785/16/LDP CONSTRUCTION OF AN OUTBUILDING TO FORM INDOOR
SWIMMING POOL AND GAMES ROOM
Granted
17/06/2016

4/00314/16/FUL REPLACEMENT DWELLING
Withdrawn
04/04/2016

4/00500/94/FHA SINGLE STOREY CARPORT/PERGOLA
Granted
25/05/1994

Summary of Representations

Due the number of revisions which have been submitted, the summary below refers only to those comments which were received from technical consultees and local residents in response to the consultation on the final set of submitted plans. The Chiltern's Society original comments have however been provided to illustrate how their initial objections were overcome.

Nettleden with Potten End Parish Council - No objection.

Trees and Woodlands - No objection, subject to conditions.

Strategic Planning and Regeneration - No comments to make.

Herts and Middlesex Wildlife Trust - Following the submission of an adequate bat survey HMWT is happy to withdraw its original objection and considers the issue of European protected species to be adequately considered.

Herts Ecology - I do not consider there are any other ecological constraints. The application may be determined having taken bats sufficiently into account. No further comments in respect of additional information provided.

The Chiltern Society - The Society does not object in principle to the replacement dwelling as numerous precedents have already been set in Frithsden Copse (Objected to the detached garage which was originally proposed and has since been removed).

Highway Authority - No objection.

Historic Environment Unit - No objection, subject to conditions.

Building Control - I have taken a look at the above application my comments are as follows: confirm width access to the property for fire department is within approved Document B.

Herts Infrastructure Officer - Herts Property Services do 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. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

Castle Planning - We note that there have been amendments and clarifications in relation to this proposal which have responded to some of our previous comments. We do however retain concerns in relation to the proposed development and seek that your Authority carefully considers these and the most appreciate means of addressing these matters in your ongoing consideration of this planning application.

High Beech - The latest scheme is more suitable for the site, and once the above original dwelling information is correctly stated I will not have any further comment, however I expect if you were to pass this application that you would condition it by to taking away all PD rights, and ensure that the total current extended building is TOTALLY demolished.

Fordons - Although the amended plans for the proposed replacement dwelling at Winchwicks show a better relationship to the two neighbouring houses by proposing a location in the middle of the garden, similar to the location of the existing house, I would wish to see specific conditions attached to this proposed development, as follows:- Condition 1: As the

amended scheme includes the swimming pool/games building recently granted as Permitted Development, no further Permitted Development should be allowed. The total amount of new building within this site would be significantly greater than the size of the house as it was prior to 2016. Condition 2: If replacement is granted, any part of the existing buildings not incorporated in the replacement building should be fully removed. Condition 3: For the landscaping of the garden, the Planning Design and Access Statement states in Section 5.5 that "the development would not result in the loss of the existing mature trees which form part of the character of the site". To ensure that such trees are safeguarded, if the amended scheme were to be granted, a detailed landscaping plan should be part of a condition of the permission.

Unless such conditions form part of the proposed development plan, I request that consent is not granted for this amended scheme.

Considerations

Policy and Principle

Paragraph 89 of the National Planning Policy Framework (NPPF) states that local planning Authorities should regard the construction of new buildings as inappropriate in Green Belt. However, certain exceptions to this are permitted, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Core Strategy Policy CS5 concurs with this, stating that within the Green Belt, small-scale development will be permitted: i.e. the replacement of existing buildings for the same use, provided that it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.

It is therefore considered that the principle of the replacement dwelling is acceptable, subject to the satisfying of the above criteria.

Impact on Green Belt

In considering the impact of the proposal upon the Green Belt, it is important to assess a number of factors such as footprint, floor area, volume, height and positioning. The calculations below provide details in respect of comparative footprints, floor area, volumes and heights. For clarity, the figures below do not include any dimensions / volumes associated with any of the outbuildings / other structures present at the site or the outbuilding approved under application reference 4/00785/16/LDP, although it is noted from the site layout plan that a number of existing structures are to be removed which will reduce the overall quantum of built development at the site and thereby increase openness more generally.

Existing Dwelling

Footprint (m²)	Floor Area (m²)	Volume (m³)
245	316	1225

Proposed Dwelling

Footprint (m²)	Floor Area (m²)	Volume (m³)
218	314	1203

Difference Between Existing & Proposed Dwelling

Footprint (m²)	Floor Area (m²)	Volume (m³)
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-27

-2

-22

Percentage Difference

Footprint (m²)	Floor Area (m²)	Volume (m³)
-11	-0.6	-1.8

Heights

- Existing house height: 7.8m
- Proposed house height :7.2m
- Difference: -0.6m

On evidence of the figures above, the replacement dwelling would not be materially larger in any dimension than the one which it proposes to replace. The new dwelling is proposed to be located more centrally within the plot than the existing, although it is proposed to be set back from the build line of the properties immediately adjacent (as the existing property is) and as such, it is considered that its positioning will not result in any greater impact upon the Green Belt than the existing property.

The use of the site will continue as residential, and it considered that this, combined with the presence of a number of residential properties of a similar size within the immediate locality and the existing suburban character of the site and surrounding area, the proposal will not result in any adverse impact upon the character and appearance of the countryside.

The proposal will support the rural economy by providing opportunities for construction jobs and the procurement of goods and services from within the Borough which accords with the requirements of Policy CS5, although it is noted that no such requirement is contained within the NPPF in respect of Green Belt policy.

It is therefore considered that the proposed development is considered to be an appropriate form of development within the Green Belt when assessed against the relevant criteria.

It should be noted that as the 'original' house has already been extended, it is considered appropriate to remove permitted development rights for further extensions (including those to the roof) and porches to ensure that the objectives and requirements of the NPPF and Policy CS5 are met.

Impact on Street Scene and Chilterns AONB

The Frithsden Copse street scene is characterised as spacious, tree lined and featuring large detached properties of varying architectural styles which are generally well set-back from the road adjacent.

The proposed two storey dwelling would not appear incongruent or damaging to this environment and is therefore considered not to adversely impact upon the street scene.

With regards to the site's Chiltern's AONB designation, Policy CS24 of the Core Strategy states that the special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. Development will have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Buildings Design Guide and associated technical notes.

Saved Policy 97 of the Dacorum Borough Local Plan does not prohibit the erection of new buildings, but states that every effort will be made to discourage development and operations

that would adversely affect the beauty of the area. Colours and materials used for a development must fit in with the traditional character of the area.

The application forms state that the materials to be used in the construction of the new dwelling are to be 'as existing'. It is however considered that given the site's AONB designation, it is appropriate to require further details in respect of materials to ensure that the proposal accords with the objectives and guidance contained within the Chilterns Design Guide in so far as is practicable. The agent for the application has confirmed their acceptance of this measure.

Impact on Trees and Landscaping

The application site currently benefits from a substantial volume of trees which are located predominately around the site's perimeter although a large number of these trees are concentrated at the front portion of the site. Several trees are to be lost as a result of the proposal. As such, the application has been accompanied by a Tree Survey and Arboricultural Impact Assessment.

The Council's Trees and Woodlands Officer has been consulted on the application and has raised no objection to the proposal subject to the imposition of conditions relating to the protection of root protection areas of the retained trees as identified within the Tree Survey, the installation of special surfacing to minimise root compaction / encroachment and the requirement of a landscaping scheme to include tree planting proposals.

Ecology

As part of the applicant's submission, a Preliminary Roost Assessment has been undertaken followed by a presence / absence survey. No evidence of bats was found but a low roost potential was identified. The subsequent re-entry activity survey found no evidence of bats using the building, and it was concluded that bats are not present in the building. Bats were confirmed as using the site. Bird droppings were present in the building but the report does not indicate any old nests were present. These may have simply reflected occasional roosting behaviour.

Hertfordshire Ecology has been consulted on the application and considers the surveys and conclusions to be sound and recommends informatics in respect of the following:

- Bats - No further surveys required. Installation of bat boxes recommended to compensate for loss of suitable roosting habitat (three bat boxes were advised) and lighting to be directed away from vegetation where possible. Native planting to be considered as an ecological enhancement for the proposed development.
- Nesting birds - constraint to timing of building demolition or check by suitably qualified ecologist immediately prior to demolition due to historic evidence of bird presence within the building.

Impact on Highway Safety and Parking

It is proposed that the access to the property will remain unchanged and this has been confirmed in writing by the applicant. The Highway Authority has been consulted on the application and has stated that they do not wish to restrict the grant of planning permission. Frithsden Copse is not a road maintainable at public expense. The replacement dwelling is not thought to impact on the highway network.

The proposal will not result in a demand for off-street parking due to the generous area which is situated to the front of the proposed dwellinghouse. It is therefore considered that the

proposal is acceptable with respect to highway and parking matters.

Impact on Neighbours

It is considered that the proposed dwelling will have no greater impact on neighbouring properties than that which presently exists, with sufficient separation distances proposed between the new dwelling's flank elevations and the two closest neighbouring properties (Acrefield to the south and Woodstock to the north-west). There are no properties present at the rear of the site to consider.

The proposed dwelling does not contain any windows within its side elevations and as such, the privacy of neighbouring properties is maintained. It is noted that there is a large ground floor roof area which could potentially be accessed via the Master Bedroom and Bedroom Two within the first floor which may result in the creation of a roof terrace. Whilst it is considered that such terraces should not be encouraged within new developments, it is acknowledged that a similar arrangement already exists at the current property and as such, it would not be justifiable to refuse planning permission for such a reason due to the relatively similar degree of overlooking which already exists from both the existing terrace and windows above ground floor level.

Archaeology

The application site is situated within an area designated as an Area of Archaeological Importance. As such, the Historic Environment Officer has been consulted on the application.

The Officer has stated that the site contains very significant archaeological remains of prehistoric and Roman date, in particular. These include to the north west of the development site the remains of a Romano-British villa [Historic Environment Record 1377], a linear earthwork or dyke of Late Iron Age or Roman date [HER 318] and a rectangular enclosure which may be a Romano-Celtic temple or a shrine, all of which are Scheduled Monuments. Two bowl barrows (burial mounds) of prehistoric or Roman date also lie to the north west of the site [HER 6959, 6980], and a length of Grim's Ditch crosses Berkhamsted Common to the south of Frithsden Copse [HER 49]. These are also Scheduled Monuments.

It is therefore recommended that conditions pertaining to a field evaluation and archaeological investigation, and analysis of the results of such investigation in the form of a written report.

Sustainability

It is noted that no details have been submitted with regards to the sustainability requirements of Policy CS29 of the Core Strategy. However, given the limited scale of the proposal, it is considered that such matters will be fully addressed through Building Control requirements.

Flood Risk Assessment

The site is not situated within Flood Zones 2 or 3 as defined by the Environment Agency Flood Maps and as such, residential development is appropriate within this location.

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. The site is situated within CIL Charging Zone 1 where a CIL Rate of £250 (per square metre) is applicable; however, bearing in mind there is no net increase in floorspace there will be no CIL payment.

Conclusion

It is considered that the proposed replacement dwelling will not be materially larger than the one which it replaces and will not have an unacceptable adverse impact upon the Green Belt (as appropriate development), Chilterns AONB or the street scene, subject to the provision and approval of further information concerning external materials. The proposal will not result in an unacceptable loss of tree and enhancements in this respect will be secured via planning condition.

Furthermore, the proposal will not adversely impact on local wildlife/protected species, highway safety or the amenity and / or privacy of neighbouring properties.

It is therefore considered that the proposal accords with Paragraph 89 of the NPPF and Policies CS5, CS11, CS12, CS13 and CS24 of the Core Strategy and as such, the application is recommended for conditional 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:**

TH.05C
TH.06D
TH.07C
TH.09A
Planning Statement
Preliminary Roost Assessment
Arboricultural Impact Assessment
Application Form

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

- 3 Notwithstanding the information that has already been submitted, no development (excluding demolition) 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. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of the visual amenities of the Chiltern AONB in accordance with Policy CS24 of the Core Strategy and Saved Policy 97 of the Dacorum Borough Local Plan.

- 4 Within three months of the date of this decision, 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;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

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 and the Chilterns AONB in accordance with Policies CS12 and CS24 of the Core Strategy and Saved Policy 97 of the Dacorum Borough Local Plan.

- 5 Prior to any excavation taking place at the site, an Arboricultural Method Statement will be submitted to and approved by the Local Planning Authority.**

Reason: In order to ensure that damage does not occur to the trees during building operations and to ensure that the visual amenity of the site and the Chilterns AONB is maintained in accordance with Policies CS12 and CS24 of the Core Strategy and Saved Policies 97 and 99 of the Dacorum Borough Local Plan.

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

Schedule 2 Part 1 Classes A, B, and D.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality, the Chilterns AONB and the Green Belt in accordance with Policies CS24 and CS5 of the Core Strategy and Saved Policy 97 of the Dacorum Borough Local Plan.

- 7 No development shall take 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, and;**
6. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: The site contains very significant archaeological remains of prehistoric and Roman date. It is therefore considered that further investigation measures are secured and implemented prior to commencement of the development in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

- 8 **Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 7.**

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 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site contains very significant archaeological remains of prehistoric and Roman date. It is therefore considered that further investigation measures are secured and implemented prior to commencement of the development in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

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 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.

INFORMATIVE

Bats - No further surveys required. Installation of bat boxes recommended to compensate for loss of suitable roosting habitat (three bat boxes were advised) and lighting to be directed away from vegetation where possible. Native planting to be considered as an ecological enhancement for the proposed development.

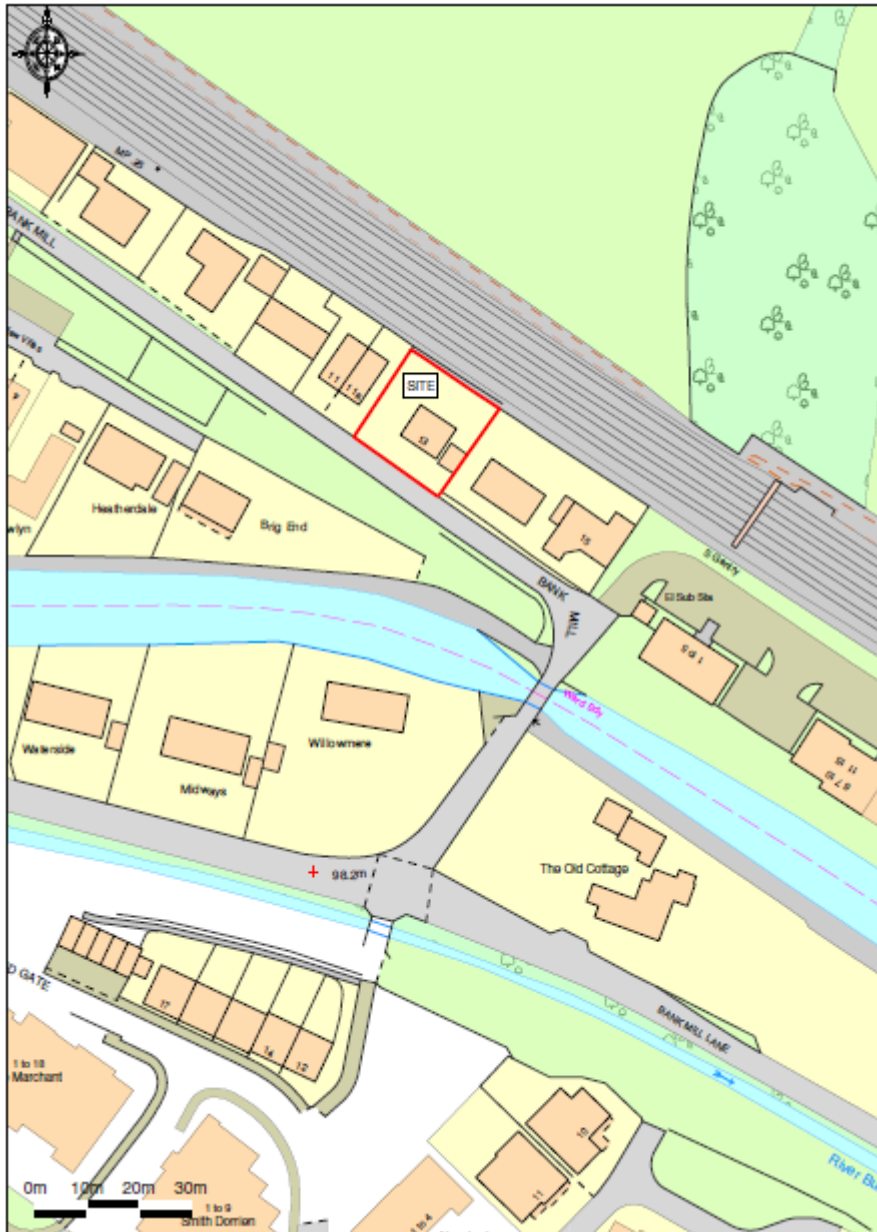
Nesting birds - You are advised to carry out a check of the building (and any relevant areas within the development site) by a suitably qualified ecologist immediately prior to demolition due to historic evidence of bird presence within the building.

Agenda Item 5e

Item 5e

4/02978/16/FUL- DEMOLITION OF SINGLE DWELLING AND GARAGE AND CONSTRUCTION OF TWO THREE-BED SEMI-DETACHED THREE STOREY DWELLINGS AND PARKING

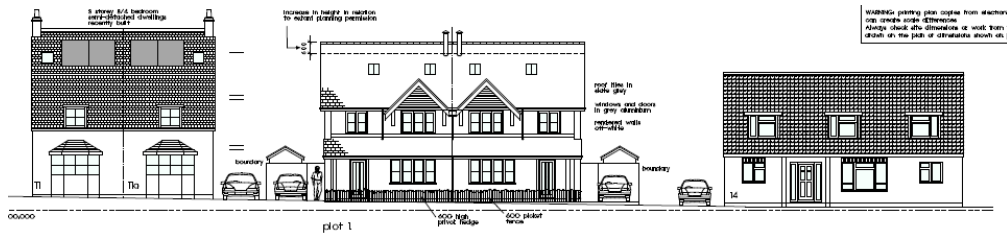
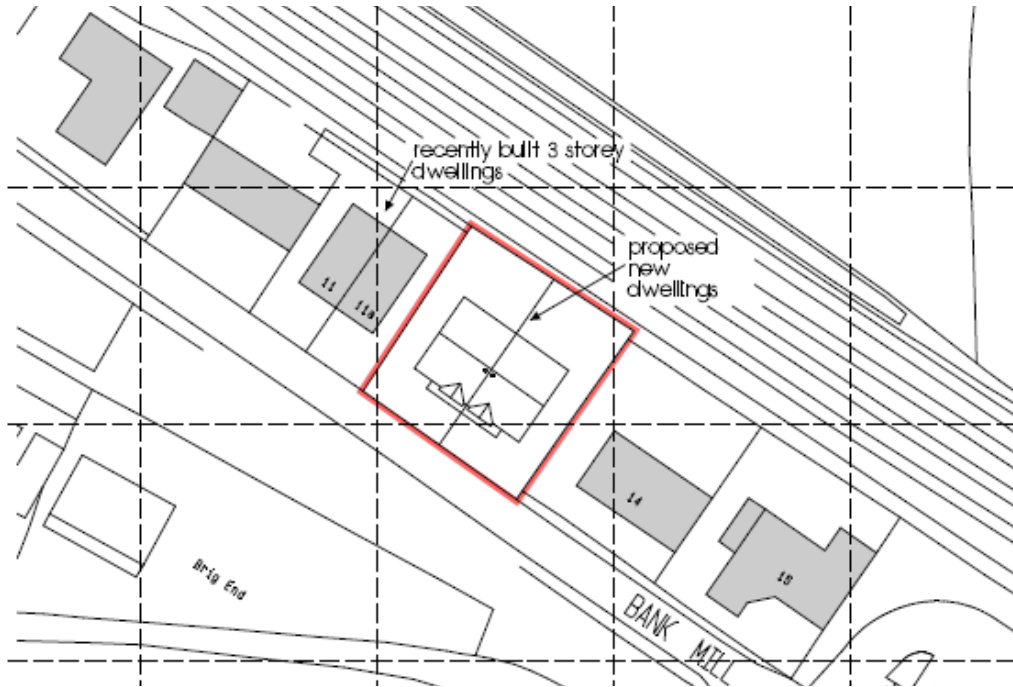
HAVENCROFT, 13 BANK MILL, BERKHAMSTED, HP4 2ER



Item 5e

4/02978/16/FUL- DEMOLITION OF SINGLE DWELLING AND GARAGE AND CONSTRUCTION OF TWO THREE-BED SEMI-DETACHED THREE STOREY DWELLINGS AND PARKING

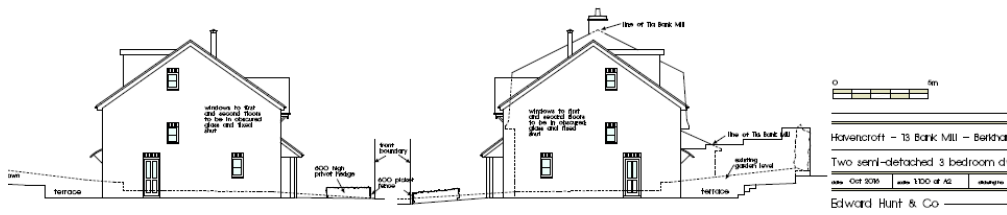
HAVENCROFT, 13 BANK MILL, BERKHAMSTED, HP4 2ER



t view



rear elevation



side elevation

0 5m
 Havencroft - 13 Bank Mill - Berkhamsted
 Two semi-detached 3 bedroom dv
 site Oct 2016 scale 1:100 of A2
 Edward Hunt & Co

4/02978/16/FUL – DEMOLITION OF SINGLE DWELLING AND GARAGE AND CONSTRUCTION OF TWO THREE-BED SEMI-DETACHED THREE STOREY DWELLINGS AND PARKING.

HAVENCROFT, 13 BANK MILL, BERKHAMSTED, HP4 2ER.

APPLICANT: Mrs A Hunt and Mr and Mrs Luckhurst.

[Case Officer - Jason Seed]

Summary

The application site falls within the urban area of Berkhamsted wherein the general principle of residential development/redevelopment is supported. It is considered the proposed development can be satisfactorily accommodated on the site without detriment to the character of the area and without significantly impacting on the amenities of surrounding properties.

The application is recommended for approval as it is considered that the proposal complies with Policies CS4, CS12, CS29 and CS32 of the Core Strategy and Saved Policy 51 and Appendices 3 and 5 of the Dacorum Borough Local Plan.

Site Description

The application site comprises an existing bungalow (containing habitable roof space) and associated garage which is situated on the northern side of Bank Mill, Berkhamsted. The immediate surrounding area is almost entirely residential in terms of use and character and the wider area comprises a variety of uses and features including the train line to the immediate north and the River Bulbourne to the south.

The site is subject to the following relevant designations: Railway (100m Buffer), Grand Union (North Bank) 25m Buffer. The proposal site is situated within close proximity to the boundary of the Berkhamsted Conservation Area.

Proposal

The application seeks planning permission for the demolition of single dwelling and construction of two 3-bedroom semi-detached three storey dwellings with off-street parking.

Permission was recently granted for a similar development under planning reference 4/01101/16/FUL. The footprint and layout of the development remain as previously approved. The principal changes proposed relate to the raising of the ridge height by 600mm, the insertion of dormers to the rear, conservation rooflights to the front roof slope and minor alterations to the windows in the flank elevations.

Referral to Committee

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

Relevant Planning History

4/03246/15/FUL DEMOLITION OF SINGLE DWELLING. CONSTRUCTION OF THREE TERRACED TWO STOREY DWELLINGS AND FORMATION OF NEW VEHICULAR CROSSOVER-
WITHDRAWN 4/02/16

4/01101/16/FUL DEMOLITION OF SINGLE DWELLING AND CONSTRUCTION OF TWO 3-BEDROOM SEMI-DETACHED TWO STOREY DWELLINGS

WITH PARKING - GRANTED 11/07/16

Representations

Network Rail

No objection, subject to conditions.

Canal and River Trust

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process. The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based on the information available we have no comment to make.

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.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

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. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Fire and Rescue

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.

Berkhamstead Town Council

This application follows a previous application. Although the current scheme is for two properties, it is still an overdevelopment of the site forcing two dwellings where there is only reasonable space for one, bearing in mind the lack of space to the rear and front of the properties. This will result in virtually no amenity space. The proposals will add further congestion to an already over-congested and over-developed area.

14 Bank Mill

1 It is now proposed that 13 Bank Mill be three storey. Previous plans were for two storey. Two three storey houses will add considerably to the height of the properties which will mean that we are over shadowed with subsequent loss of light and sitting alongside 14 Bank Mill will look totally out of place.

2 Side elevation windows - The number of side elevation windows has increased from 2 to 3, two of which are High level. Understandably these two high levels windows are an intrusion for No 14 both from the front and rear of No 14. Why is it necessary to have so many windows overlooking No 14 (obscured or not)?

Considerations

Policy and Principle

Policy CS4 of the Core Strategy states that within the towns, development will be guided to the appropriate areas within settlements and in residential areas, residential development will be encouraged. It is therefore considered that the principle of the development is acceptable, subject to the acceptability of other planning considerations. The principle of development has already been established by virtue of the extant planning permission 4/01101/16/FUL which was approved on 11th July 2016.

Impact on Street Scene and Character of the Area

The existing Bank Mill street scene provides a contrast between the open and landscaped area to the south and the residential elements to the north which is comprised of buildings of a variety of styles and sizes and include bungalows, chalet bungalows and two/three storey dwellinghouses. A combination of detached and semi-detached properties are evident within the immediate area.

In respect of materials, a wide variety are present and include traditional brick, interlocking roof tiles, render and uPVC windows.

The site is situated within the Bank Mill Character Area (BCA3) for which the Council have prepared an appraisal document. The document states that '*with regards to front gardens,*

these generally accommodate car parking. The informal dwelling layout provides a variety of garden shapes and sizes, some of which are side-on to the dwelling'.

With regards to layout, the document states that an informal approach is acceptable, with no special requirements, except that a wide spacing (5 m - 10 m) should be maintained, and the separation distances of this proposal fall within this range and as such, has been achieved by the proposal. The siting and footprint of the units remains the same as previously approved.

It is considered that due to its limited scale in comparison with adjacent properties, the proposal will not adversely impact upon the street scene. Although the ridge height has been slightly raised compared to the previously approved scheme the ridge height will still be below the ridge of 11 Bank Mill Lane and will sit sympathetically in the streetscene. The proposed use of materials is considered to be in keeping with those within the immediate locality and the overall design of the proposal is considered to be sympathetic to the Bank Mill area. The proposed parking arrangement is similar to that which currently exists and the visual impact of this arrangement will be mitigated by the introduction of a 600mm high privet fence which is to be positioned along the site's front boundary.

It is therefore considered that the proposal is sympathetic to the area and does not adversely impact upon the street scene and therefore complies with Policy CS12 of the Core Strategy.

Impact on Trees and Landscaping

It is noted that a number of tree and other landscaping will be removed as a result of the proposal, none of which benefit from any protection or restrictive designations. The proposal makes provision for planting to the rear of the site and moderate landscaping in the form of a privet hedge at the front of the property.

It is considered that further details in respect of landscaping can and should be secured by planning condition. Future planting proposals will help the development assimilate into the local area and will enable the new units to integrate with the streetscape character.

As such, the proposal is considered to comply with Policy CS12 of the Core Strategy.

Amenity/Garden space

Appendix 3 of the DBLP states that all residential development is required to provide private open space for use by residents whether the development is houses or flats. Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m although a reduced rear garden depth may be acceptable for small starter homes.

The proposed dwellings have a total garden depth (including planting area) of approx. 7.5m which falls short of the expected minimum garden depth. Berkhamsted Town Council (BTC) have objected to the proposal on the grounds that they consider it to be an overdevelopment of the site, forcing two dwellings where they consider that there is only reasonable space for one, bearing in mind the lack of space to the rear and front of the properties. BTC consider that this will result in virtually no amenity space.

Whilst the lack of amenity area is acknowledged, it should be noted that the existing garden, and few if any of those within the surrounding area, meet the 11.5m depth requirement. Appendix 3 states that for infill developments, garden depths which are below 11.5m but of equal depth to adjoining properties will be acceptable. It is considered that the proposed garden areas are comparable to those of adjacent properties and as such, comply with the requirements and specifications of Appendix 3.

The proposed dwellings and gardens are considered to be of acceptable size/proportions to

ensure that an adequate and quality living environment can be achieved. It should also be noted that the garden area remains the same as previously approved and no further bedrooms are being created. For the above reasons it is considered grounds for refusal relating lack of amenity space could not be sustained.

A railway line is located to the immediate north of the site. The application proposes the installation of an acoustic fence along the northern boundary of the site to ameliorate the noise impact which could be audible from within the new properties. The new properties will also contain double glazed windows and taking these considerations as a whole, it is considered that the proposed properties will benefit from a substantial noise reduction in comparison with the existing arrangement.

Overall, the proposal is considered to comply with Saved Appendix 3 of the Dacorum Borough Local Plan.

Impact on Highway Safety and Parking

BTC have objected to the proposal on highways grounds, stating that they consider that the proposals will add further congestion to an already over-congested and over-developed area.

Whilst the highway authority have not commented on the application, the comments in relation to the previous approval remain relevant to this application as the issues are directly comparable and it is considered that the proposal would not have an increased impact on the safety and operation of the adjoining highways, subject to conditions and informatives in respect of parking space sizing and materials, road deposits and storage of materials. It is noted that the current property has two vehicle crossovers and the proposal will provide the same.

The application site is situated within Zone 4 as defined by the Council's 'Accessibility Zones for the Application of Parking Standards SPG' document. Saved Appendix 5 of the Dacorum Borough Local Plan states that for residential development within Zone 4, the maximum car parking standards for 3 bedroom properties is 2.25 spaces. The proposal provides 2 parking spaces for each dwelling. It is therefore considered that the proposal complies with Saved Appendix 5.

It should also be noted that the number of bedrooms, which parking guidelines are based on remains unchanged compared to the previous approval.

It is therefore considered that the proposed development will not result in an unacceptable/severe impact in respect of highways impacts and as such, complies with the NPPF, Core Strategy CS12, Saved Policy 51 and Saved Appendix 5 of the Dacorum Borough Local Plan.

Impact on Neighbours and Neighbour Comments

Representations have been received from No. 14 Bank Mill expressing concerns over the increased height of the properties, impact on light, character and concerns reference the windows in the side elevation in terms of loss of privacy.

Policy CS12 states that on each site, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties. The proposed development follows a similar build line to the existing dwelling and although the proposed dwellings will be slightly higher overall than the existing and previously approved scheme the proposal will not result in any significant visual intrusion/loss of amenity to neighbouring properties. The proposal will not result in the loss of sunlight / daylight to the primary windows or any habitable rooms of any adjoining properties and will not result in any

other disturbance.

With regards to privacy, it is noted that the windows which are proposed within both the north-west and south-east facing elevations are to be obscured glassed which will protect the amenity of both occupiers of the proposed dwellings and those adjacent.

Overall, taking account the above and the extant planning permission it is considered that the proposal will not adversely impact upon neighbouring properties and therefore complies with Policy CS12 of the Core Strategy.

Sustainability

Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible. A CS29 checklist has been provided by the applicant which details the measures that are to be undertaken during and after construction which are considered to be acceptable. As such, the proposal complies with Policy CS29 of the Core Strategy.

Community Infrastructure Levy (CIL)

The site is situated within CIL Charging Zone 1. A self-build exemption form has been submitted.

Network Rail

Given the location of the application site in relation to the train line to the immediate north, Network Rail have been consulted on the application and have raised no objection. A number of conditions were recommended but it is considered that these are either covered by the existing conditions which are recommended to be imposed by the Case Officer, unnecessary, or excessive given the scale of the proposal. However, an informative is recommended be place on the decision notice which provides details of the agreements that would be required between the applicant and Network Rail should the proposed acoustic fence exceed 1.8 metres in height.

Flood Risk

The site is not situated within an area of identified flood risk and as such, is acceptable in this respect.

Noise/Vibration

A noise/vibration report has been submitted bearing in mind the sites proximity to the railway line. The report concludes that the site is suitable for residential development provided noise mitigation measures are included within the design in relation to external walls, glazing, ventilation, roof structures and acoustic fencing in the rear garden. A condition has been imposed to ensure that the mitigation measures proposed are carried out.

Conclusions

The proposed development will create two new 3-storey dwellinghouses of reasonable proportions which will result in providing the Borough with a net increase of one residential property in an existing residential area. The proposal provides adequate access and parking arrangements and will benefit from a satisfactory living environment in all other respects. The proposal respects the existing surrounding area and the street scene and will not significantly adversely impact upon neighbouring properties and as such, it is considered to comply with

Policies CS4, CS12 and CS29 of the Core Strategy and Saved Policy 51 and Appendices 3 and 5 of the Dacorum Borough Local Plan 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:**

2181-BP10 site
2181-P12 site layout / section
2181-P1 floor plans / bike store details
2181-P2 elevations / street view
2128/S1 existing plan

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

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

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);

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

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

- 4 **The proposed car parking spaces shall have measurements of 2.4m x 4.8m minimum and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

Reason: The above condition is required 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 CS12 of the Core Strategy, Saved Policy 51 and Saved Appendix 5 of the Dacorum Borough Local Plan.

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

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with Policy CS12 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

- 6 **The windows at first and second floor levels in the north-west and south-east elevations of the dwellings hereby permitted shall be non opening below 1.7 metres and shall be permanently fitted with obscured glass for the lifetime of the development.**

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

- 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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, E

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the property and to ensure adequate provision of garden and separation from the railway and to accord with Core Strategy policy CS12.

- 8 **Prior to first occupation of the development hereby permitted the noise mitigation measures in relation to construction of the dwellings and the acoustic fencing laid down in the Consultants report produced by Philips Acoustics Ltd (October 2016) shall be constructed/provided. The approved measures will be retained, maintained and provided for the lifetime of the development.**

Reason: To ensure that a satisfactory level of occupier amenity is achieved in accordance with Policy CS32 of the Core Strategy.

INFORMATIVES

Highways

1. Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development 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.

Reason. To minimise the impact of construction vehicles and to improve the amenity of the local area.

2. Storage of Materials. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

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

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.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

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

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Network Rail

Should the applicant place any acoustic close boarded fencing adjacent to the operational railway then the fencing and its foundations must be constructed and maintained wholly within their land ownership footprint. Any acoustic fencing over 1.8m high will be subject to agreement with Network Rail and the applicant will need to provide details of foundation details and wind loading calculations. Please contact TownPlanningLNW@networkrail.co.uk for further information.

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted proactively 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.

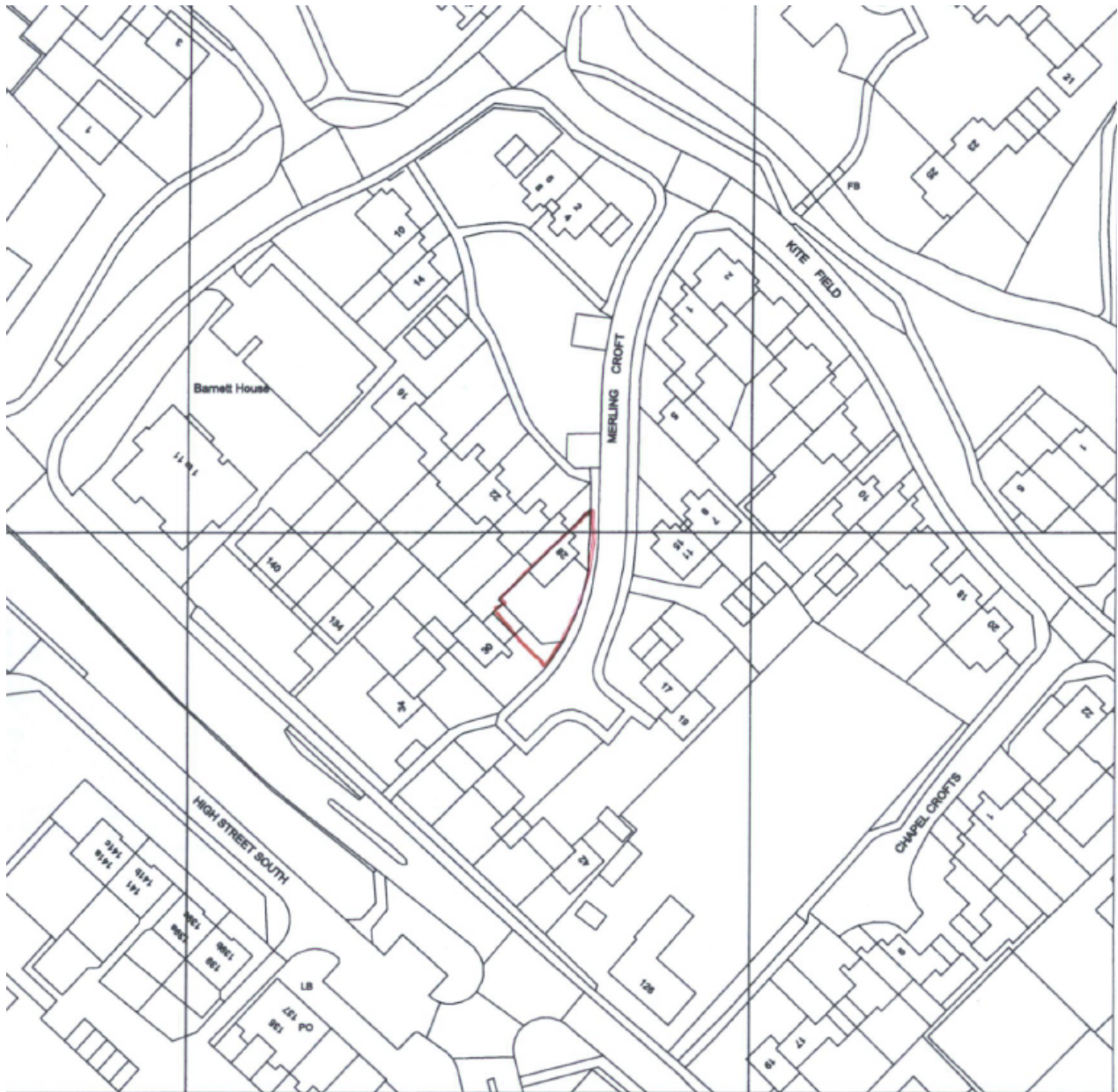
EMOLITION OF SINGLE DWELLING AN

Agenda Item 5f

Item 5f

4/02931/16/FUL- CONSTRUCTION OF NEW DWELLING

28 MERLING CROFT, NORTHCHURCH, BERKHAMSTED, HP4 3XB



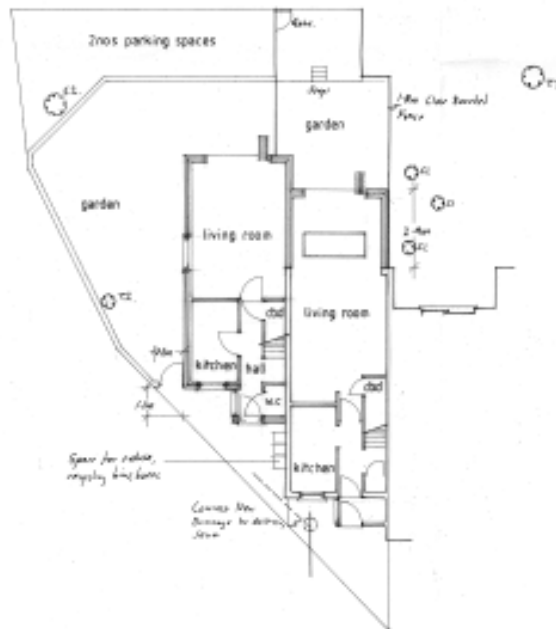
Item 5f

4/02931/16/FUL- CONSTRUCTION OF NEW DWELLING

28 MERLING CROFT, NORTHCHURCH, BERKHAMSTED, HP4 3XB



First Floor Plan.



Site, Ground Floor Plan.

4/02931/16/FUL - CONSTRUCTION OF NEW DWELLING..
28 MERLING CROFT, NORTHCHURCH, BERKHAMSTED, HP4 3XB.
APPLICANT: ANGELA BYRNE.

[Case Officer - Tineke Rennie]

Summary

The application is recommended for approval. The proposal is for a small one-bed end of terrace dwelling that would provide a good standard of accommodation for a small household. The proposed development would be in keeping with the character and appearance of the surrounding area by way of scale, design and by maintaining sufficient space around it. The proposals are consistent with adopted Core Strategy Policies CS4, CS17, CS12 and saved Local Plan Policy 18.

Site Description

The site is a modest two bedroom two storey end of terrace dwelling located on the eastern side of Merling Croft. The terrace of which it forms a part runs perpendicular to Merling Croft and fronts a small amenity green. The dwelling benefits from a garage and off-street parking space located to the rear; the double garage is shared with No. 26 and is attached to the dwelling at No. 30.

No. 28 is set back slightly from No. 26 and features a steeply pitched roof with single dormers set low within the eaves of the front elevation and rear elevation respectively; a mono-pitch front porch and a conservatory to the rear. A 2.0m high facing brickwork wall aligns the side boundary of the garden adjacent to Merling Croft.

Merling Croft is cul de sac forming part of a modern estate constructed in the 1980's. The dwellings are generally modest and semi-detached or small terraces linked by garages.

Proposal

The proposal is to construct a one bed two storey dwelling adjacent to No. 28. The dwelling would be set back from no. 28 in a staggered layout following the site boundary. Single dormers are proposed to the front and rear together with a front porch to match No. 28.

The existing conservatory to the rear of No. 28 is to be replaced with a single storey rear extension and the garage demolished to provide additional amenity space. Two parking spaces are proposed in a tandem layout to the rear of the proposed dwelling.

Referral to Committee

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

Planning History

None.

Policies

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

Adopted Core Strategy

Policy NP1 - Supporting Development
Policy CS1 - Distribution of Development
Policy CS4 - The Towns and Large Villages
Policy CS12 - Quality of Site Design
Policy CS29 - Sustainable Design and Construction
Policy CS31 - Water Management
Policy CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policy 58 - Private Parking Provision

Appendix 3 – The Design and Layout of Residential Areas

Appendix 5 - Parking Provision

Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)

Area Based Policies: Residential Character Areas BCA 20: Springwood

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Northchurch Parish Council

NPC: Northchurch Parish Council OBJECTS to the planning application on: the existing conservatory on No 28 appears to have changed into a brick extension with a roof light. In the absence of any dimensions shown one can only assume it is on the footprint of the present conservatory. The garage appears to have been removed and the front edge brought back, presumably to allow for two cars to park. This garage is one of a pair which shares a party wall. The new build extends beyond No 28 at the rear. The angle of 45 degrees shown on the drawing (first floor plan) is not acceptable as it starts at the centre of the window of No 28 and should be shown from the side of the window nearest the new build. This would give an angle of about 60 degrees which is not allowed by the current regulation. This estate was designed as a whole in 1983 and as such received a commendation from the Berkhamsted Citizens Association for its design. No new builds have been carried out here since, although some small extensions and change of use of the garages have occurred. This new house will be very near the inside edge of the pavement which no other buildings do in this area.

Northchurch Parish Council is also concerned about the design and visual impact is the material used for the development “like for like”.

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.

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 the informative notes below.

INFORMATIVES

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

applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

COMMENTS

This application is for CONSTRUCTION OF NEW DWELLING attached to 28 Merling Croft, extending the terrace.

PARKING

Two tandem parking spaces exist to the rear of the existing garden. These will remain. It is for the LPA to determine appropriate levels of parking.

ACCESS

No changes are required to the existing vx0 and no works are required in the highway. Merling Croft is an unclassified local access road, subject to a 30mph speed limit with low pedestrian traffic and no accidents in the last 3 years.

CONCLUSION

HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity, subject to the conditions and informative notes above Strategic Planning and Regeneration:

The Application

28 Merling Croft forms the end of a stepped terrace in Northchurch, Berkhamsted. The proposal is for a one bedroom house that would be a continuation of the existing terrace built within the existing garden plot. The new dwelling is separated from the adjacent properties by a road, a drive and a garden.

The Policies

According to Core Strategy (2006-2031) **POLICY CS1: Distribution of Development** whilst Hemel Hempstead is identified as the *focus* for homes the market towns, of which Berkhamsted is one, may also “accommodate new development for housing.....”

The site lies within a designated Residential Area under **POLICY CS4: The Towns and Large Villages**. This aims to guide development to appropriate areas within settlements, therefore, in residential areas appropriate residential development is encouraged.

Within the saved DBLP (1991-2011) a number of policies (and linked Appendices) are applicable to this application.

Saved DBLP Policy 18 The Size of New Dwellings (see also Core Strategy Policy CS18 Mix of Housing) encourages the provision of smaller housing units as proposed by this application. It states:

“The development of a range of dwellings in size and type will be encouraged. Regard will be

paid to:

(a) The need to provide accommodation for new, small households:.....
.....Units for small households meeting 1 or 2 bedrooms will be sought”

In terms of parking, according to saved Appendix 5 of the DBLP provision for a 1 bed dwelling should be 1.25 spaces. No provision has been suggested although there are a number of parking bays within close proximity. The case office needs to assess the appropriateness of this level of parking provision (or lack of).

Development in the Borough is further guided by the Local Plan Supplementary Planning Guidance Area Based Policies. This application is located within the BCA20 Springwood character area under the Development in Residential Areas SPG. The area guide under the Policy Statement and Scope for Residential Development states:

“Infilling: will not normally be permitted.” However given the requirement to increase appropriate housing which is being encouraged by the Council through policies highlighted above then the weight of this statement in the Development in Residential Areas SPG should be less.

The existing plot is 200 sq. metres with one dwelling. This equates to a housing density of 50 dwellings per hectare. This actually lies outside the housing density parameter (30 dwellings/ha) set out in the Development Principles for BCA20. An additional dwelling would increase the housing density to 100 dwellings/ha. The case officer needs to consider whether this is an acceptable increase in density.

The site lies within an Area of Archaeological Significance (site 21 Berkhamsted). Policy 118 Important Archaeological Remains applies in this situation and the County Archaeological Group will need to be consulted.

Conclusion

The broad principle of the development is generally encouraged in policy terms. In addition, the provision of housing in Northchurch is encouraged especially in designated Residential Areas, including the provision of smaller units. The case officer also needs to assess other normal DM considerations including design (Policy CS12g) and effects on neighbouring properties (Policy CS12). In addition we have highlighted issues related to parking and housing density.

Historic Environment Advisor:

Please note that the following advice is based on the policies contained in National Planning Policy Framework (NPPF).

The proposed development site is in Area of Archaeological Significance number 21. This denotes the historic core of the medieval town of Berkhamsted and also a number of important prehistoric, Roman and mediaeval sites. The proposed development site is less than 40 metres from evidence of Roman occupation, recorded during observation of footings for a new house fronting onto Roman Akeman Street (142 High Street). The largest of the three features recorded contained Roman pottery, and brick and tile, and the builders' spoilheap yielded a further 49 Roman potsherds, two early medieval sherds, a glass rim, and iron slag [Historic Environment Record No 11776]..

The site is therefore likely to have the potential to contain currently unknown archaeological heritage assets of Roman date, in particular.

I believe that the position of the proposed development is such that it should be regarded as

likely to have an impact on heritage assets of archaeological interest. I recommend therefore that the following provisions be made, should you be minded to grant consent:

1. The archaeological investigation, via 'strip, map and record' to the archaeological horizon, of the footprint of the new dwelling and of any other areas of ground reduction required.
1. A contingency for the preservation or further investigation of any remains then encountered.
1. The archaeological monitoring of groundworks of the development, such as the excavation of foundations and service trenches, etc., and landscaping, as appropriate (and also including a contingency for the further investigation and recording of any remains then encountered).
1. The analysis of the results of the archaeological work, with provisions for the subsequent production of a report and an archive, and the publication of the results, as appropriate.
1. Such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

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

Condition A

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

Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A). The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

If planning consent is granted, this office will be able to advise further on the requirements for the investigation and to provide information on accredited archaeological contractors who may be able to carry out the work.

I hope that you will be able to accommodate the above recommendations. Please do not hesitate to contact me should you require any further information or clarification.

Building Control:

Thank you for your email I have taken a look at the application below are my comments

- I have no issues with fire Access
- I only issue to date, that could be passed onto the architect is with disabled access to the ground floor WC

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.

Response to Neighbour Notification / Site Notice

Comments received from residents of 22 Merling Croft:

We do not agree with the proposals as we consider this a gross over-development of this small but picturesque estate. Surely there is not enough amenity space. There is conflicting detail on the drawings in relations to the existing garage. Only one car can park in front of the existing garage, but two are shown on the proposed plan by shortening the garage, this is a garage with a shared party wall / roof so how is this possible? The property currently has a conservatory at the rear, on the new layouts it shows a ground floor extension, is this covered on a separate application? Will the revised garden for the current number 28 comply with minimum garden requirements?

In recent years the bungalow on the High street was developed into 5 terraced houses, some of these houses have had ground floor extensions added to the rear, this has resulted in a goldfish bowl effect for some Merling Croft residents. Similarly the Old Grey Mare pub was developed into 11 flats.

This estate was very thoughtfully planned by the original architects, this new one bedroom house will ruin the aesthetic look of Merling Croft and the original architects vision by squeezing it onto the current plot of number 28.

Comments received from the residents of 18 Merling Croft:

The building of an identical house on the end of the linked terrace will spoil the visual impact of this well-designed estate which was commended by the Berkhamsted Citizens Association when it was built. No other buildings are as near to the inside edge of the pavement and

there have been no new builds since 1983.

Comments received from the residents of 36 Merling Croft:

This application is an over development in a well-designed estate. The plans show 2No parking spaces 'in line', these are the existing spaces for No28 so we assume the new house will have to park in an already overcrowded narrow road as it is not practical to have 2 properties parking in line. There is no mention on the plans of the attached garage belonging to No26. Merling Croft is a small narrow road servicing 30No properties & is a busy walk through for the elderly from Springwood. We are disappointed that we were not notified by letter of this application as we overlook the site.

Comments received from the residents of 38 Merling Croft:

Regarding the above application I object strongly to this proposed building. This is a small cul-de-sac and is a narrow road servicing 30 dwellings with a high proportion of over 80s in age and many homes with two cars so gets very congested and it is worrying to think of an ambulance or fire engine finding access difficult or impossible.

The building at number 28 Merling Croft would over develop the area.

Comments received from the residents of 1 Merling Croft:

Merling Croft is a picturesque cul-de-sac which previously won an award for its architectural design. The site was sympathetically built with a pleasant mix of building and open space. This proposed development would cause significant adverse impact on the neighbourhood, particularly those houses at the end of the cul-de-sac which overlook the site subject to this application for the following reasons:

The application brings the proposed property right up to the boundary line with the front door almost opening onto the pavement, resulting in a unpleasant visual appearance, reducing the open aspect of the neighbourhood, changing its character and is an excessive overdevelopment of a small garden.

The close already suffers with over parking, especially in the area of the proposed development. Although this application does provide some parking provision, it should be noted that this is at the rear of the property and requires one car to block the other in to make up the two places. It would be likely that any resident of the proposed new development, would try and park on the road to avoid blocking their second vehicle in and/or for the purposes of convenience, adding to the existing congestion.

A well used footpath links the top of the cul-de-sac to the High Street. From this footpath, you can enjoy views up towards Northchurch Common. If this proposed development was to go ahead, these views would be lost from the footpath and some of the neighbouring properties as well as obscuring the view of the trees opposite the proposed site.

- The proposed development significantly reduces the garden/open space of the existing property and only provides for a tiny garden on the site of the new house. Consideration should be given to reduce garden grabbing developments such as this to avoid setting any unwelcome precedents in the area.

Comments received from the residents of 30 Merling Croft:

I have received your Consultation Letter of 8th November, and wish to object as I do not see this new dwelling is appropriate to our estate, which was designed as a whole. The new dwelling makes no extra provision for off-road parking of cars (the garage is knocked

down, but this does not increase the space available), and there is already a lot of congestion from the existing residents and cars that are parked during the day.

On the plans submitted, there are no dimensions and it is difficult to gauge how big the new building will actually be, and there is no commitment as to the materials to be used so that it blends into the other buildings.

Like myself, there is a large number of elderly residents who may require emergency vehicular access, and as the construction is so close to the road, it is difficult to see how access can be guaranteed at all times.

Considerations

Policy and principle

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Similarly, Policy CS4 of the Core Strategy directs residential development to the towns and within established residential areas, where the application site is located. Policy CS17 seeks to promote residential development to address a need for additional housing within the Borough. The provision of a mix of housing providing a choice of homes is supported in principle under Policy CS18 of the Core Strategy. Saved DBLP Policy 18 Size of New Dwellings also encourages the provision of smaller housing units as proposed by this application. It states that "regard will be paid to the need to provide accommodation for new, small households." It is recognised that appropriate accommodation is needed for newly formed households and elderly households. The immediate area is inhabited by a number of elderly residents and as such is characterised by smaller sized dwellings and flats.

The proposed development would result in a density of 100 dwellings per hectare (based on two on a plot of 200m²). This would be well above the expected range of 30 to 50 dwellings per hectare outlined under saved Policy 21 of the Local Plan. However it is noted that density measured by dwellings per hectare is not particularly helpful when considering an infill dwelling. Site coverage, type of dwelling, the surrounding context and the relationship with adjoining properties are more fundamental considerations. In this instance the proposed dwelling is very small (50m²) on a plot of 100m² and therefore site coverage (50 percent) is not inconsistent with the immediate area comprising small scale sized dwellings and blocks of flats. The Area Based Policies Supplementary Planning Guidance (Development in Residential Areas) states that numerical density is one factor to be considered and balanced against other in area policies. Consideration should also be given to making the most efficient use of land whilst also ensuring that the proposed development does not adversely affect the amenities and existing character of the area.

The principle of residential development providing a new one bed dwelling in this location is considered to be acceptable on the basis that it would not have an adverse impact on the character and amenities of the area. An acceptable standard of accommodation is also provided for future residents. These factors are discussed further below.

Impact on site layout, appearance of building and street scene

The proposed dwelling has been designed to be similar in appearance to the adjoining dwelling at No. 28 and others within the immediate street scene. It replicates the width, eaves height, low single dormer and front porch of No. 28 albeit the roof height is lower. It would be set back from No. 28 in response to the curved boundary of the site and would appear subservient to the adjoining two-bed dwelling.

The Character Area Appraisal BCA 20 - Springwood notes that buildings are informally grouped with no regularity of spacing or building lines. The open frontage would be maintained together with a sense of space between the dwelling and the boundary with Merling Croft; this

would be 1.1m at the closest point but opening out and extending to 6.0m to the rear so that the development would not appear cramped within the street scene.

The proposed development would maintain the predominant form of development in the area in terms of size, scale and design features. The area is characterised by a range of small to medium sized dwellings with some of the larger buildings housing flats. The proposed dwelling would be at the smaller end of the scale but consistent with No. 28. Overall the proposed dwelling is considered to be sympathetic to the terrace of which it would form a part and in keeping with the wider street scene.

The proposed dwelling would not have a conventional rear garden however it would benefit from private amenity space surrounding the property predominantly to the side but also to the rear. The existing 2.0m high facing brickwork would be maintained along the length of the garden ensuring that the amenity space is private and well screened from public view. Merling Croft is a quiet cul de sac with very low volumes of traffic. As such well screened private amenity space would be provided that would be more than adequate for a one-bed dwelling of this size.

The proposals seek to replace the existing conservatory to No. 28 with a single storey rear extension on the same approximate footprint. The garage to the rear is to be demolished providing an extended rear garden to this dwelling. The total depth of the garden would be approximately 7.0m with the newly created area slightly reduced in width. It is noted that this falls short of the 11.5m depth guideline in Appendix 7 however a dwelling of this size is likely to be inhabited by a very small household with less need for a large garden. The Inspector noted in an appeal decision dated November 2013 for a three-bedroom dwelling at Ivycote, St Albans Hill, Hemel Hempstead, that a garden that falls short of the 11.5m standard can still provide an adequate and useful garden for occupiers. It is considered that sufficient private outdoor amenity space would be available for future occupants, commensurate to a dwelling of this size.

Impact on Highway Safety/Parking

Highways have considered the proposals and raised no objection on the basis that there would not be an increased impact on the safety and operation of the adjoining highways.

Two off-street parking spaces have been proposed which is considered to be acceptable for two dwellings of this size. The parking spaces are in a tandem layout which is not practical given the dwellings could potentially be in separate ownership. It was observed that there is sufficient on-street capacity available for an additional dwelling; most dwellings have off-street parking.

Impact on Neighbours

The proposed dwelling would be an end of terrace property and as such would have minimal impact on the amenities of nearby properties. The retained garage to No. 26 would remain to the rear and there are no windows on the flank elevation of No. 30. A ground floor window exists in the flank elevation of the flats Nos. 11 - 15 Merling Croft located opposite to the northeast however the distance separation between the front window of the proposed dwelling and this window is over 26m. There are no other windows in proximity to the site that would experience any impacts on privacy.

Concern was raised by the Parish Council that the 45 degree line had been inaccurately shown on the first floor rear window of No. 28. The angle has been correctly taken from the centre of the window consistent with the BRE guidelines. Furthermore as a first floor window it would receive sufficient daylight at this level. The application demonstrates that the proposals would not result in an unacceptable loss of light to No. 28.

Sustainability

The application has been supported by a sustainability checklist as appropriate and is considered to satisfy the criteria of CS29.

Archaeology

The proposed development site is in Area of Archaeological Significance number 21. The proposed development site is less than 40 metres from evidence of Roman occupation, recorded during observation of footings for a new house fronting onto Roman Akeman Street (142 High Street). The site is likely to have the potential to contain currently unknown archaeological heritage assets of Roman date, in particular. As such it has been recommended that the standard conditions are imposed requiring a written scheme of investigation to be submitted and approved prior to commencement of development.

CIL

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable.

The Charging Schedule clarifies that the site is in Zone 1 within which a charge of £250 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

Other Material Planning Considerations

Overall a good standard of accommodation would be provided for residents of both the existing and proposed dwelling. The floor area of the proposed dwelling is 50m² with room sizes broken down as follows:

- Living room - 17.8m²
- Kitchen - 5.4m²
- Bedroom - 9.8m²
- Study - 3.5m²
- Bathroom - 3.0m²

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

RECOMMENDATION -

- 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 have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development and to accord with adopted Core Strategy Policy CS12.

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

The 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 adopted Core Strategy Policy CS12.

- 4 **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: To ensure that reasonable facilities are made available to record archaeological evidence and to accord with adopted Core Strategy Policy CS27.

- 5 **i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).**

ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A). The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: For the avoidance of doubt

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

**Site Location Plan;
DBC/16/7/2A.**

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

Article 35 Statement

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.

HIGHWAYS INFORMATIVES:

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

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

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

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

THAMES WATER:

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a

public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

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. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

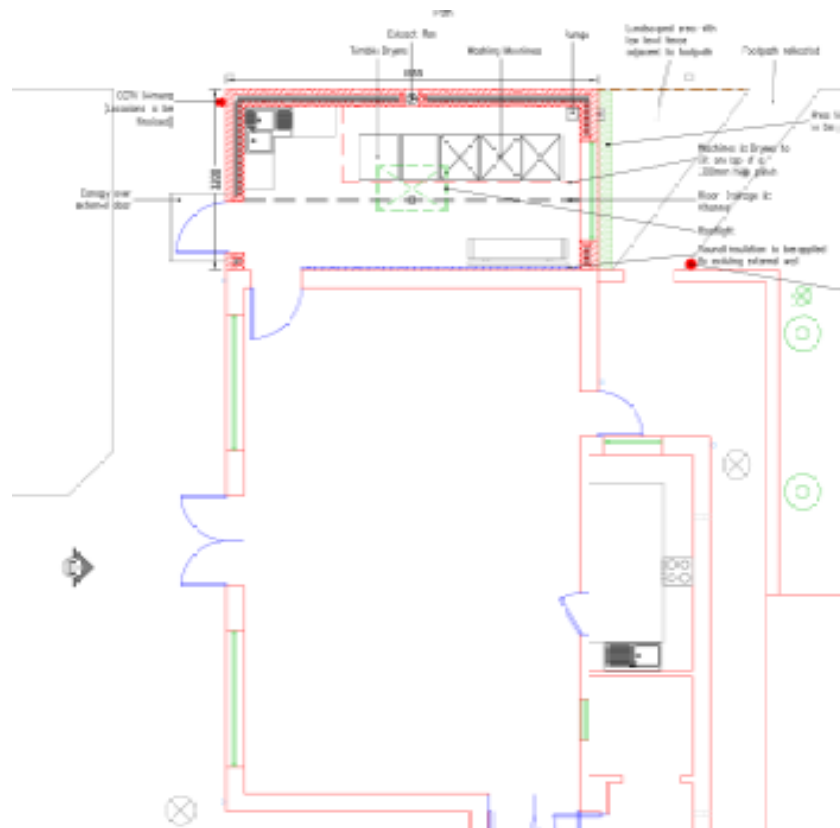
Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Item 5g

4/02947/16/FUL- CONSTRUCTION OF A LAUNDRY ROOM AT THE REAR OF THE COMMUNITY HALL.

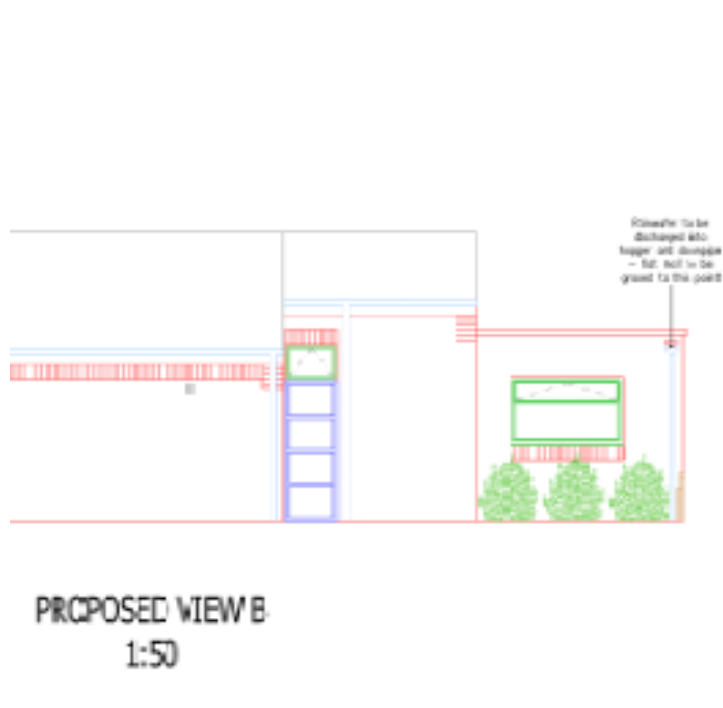
COMMUNITY HALL, THE ROWANS, HEMEL HEMPSTEAD



Item 5g

4/02947/16/FUL- CONSTRUCTION OF A LAUNDRY ROOM AT THE REAR OF THE COMMUNITY HALL.

COMMUNITY HALL, THE ROWANS, HEMEL HEMPSTEAD



**4/02947/16/FUL - CONSTRUCTION OF A LAUNDRY ROOM AT THE REAR OF THE
COMMUNITY HALL.
COMMUNITY HALL, THE ROWANS, HEMEL HEMPSTEAD.
APPLICANT: Dacorum Borough Council.**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

The site is situated within the town of Hemel Hempstead wherein non-residential development for social and community uses is acceptable in accordance with Policy CS4 and CS23 of the Core Strategy. The extension proposed is very modest in size and scale and would provide much needed laundry facilities to adjacent residents in the Local Authority sheltered accommodation site without harming the character or appearance of the existing building or wider area. The proposal complies with Policy CS12.

The extension would result in the restriction of the adjacent public footpath, and thus an increase in the sense of enclosure, however, having liaised with the crime prevention Officer, the design has been amended to remove the side windows, introduce some defensible space to the front. It is also proposed to install CCTV and additional lighting. The proposal is now considered acceptable from a safety and natural surveillance aspect in accordance with Policy CS12.

Site Description

The application site is located to the very north of The Rowans, a sheltered accommodation residential site in Warners End. The building subject of the application is situated in close proximity to a public footpath that links Wrensfield / Gravel path to the local shops and beyond. The building comprises the community hall for the adjacent sheltered housing.

Proposal

Planning permission is sought for the construction of a modest single storey extension to an existing building. Measuring 3.2m in depth by 6.56m in width (the width of the existing building), the extension would have a flat roof with central raised roof lantern and provide laundry facilities to the community hall of the adjacent sheltered housing. The footpath into the site has been relocated at an angle in order to provide some defensible space and deter crime.

Referral to Committee

The application is referred to the Development Control Committee as the site is owned by Dacorum Borough Council.

Planning History

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS23 - Social Infrastructure

Summary of Representations

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No comments received.

Design Out crime Officer

Original scheme;

Alleyways and remoter paths can always be problematical in that youths can gather to cause ASB and cause damage to the fencing, and that they are not overlooked by active rooms.

Our generic advice for alleyways is:

Secured by Design advice regarding segregated footpaths (alleyways) where they are unavoidable is: "...designers should consider making the footpath a focus of the development and ensure it is:

- As straight as possible
- Wide
- Well lit
- Devoid of potential hiding places
- Overlooked by surrounding buildings and activities
- Well maintained so as to encourage surveillance along the footpath and its borders.

..Where isolated footpaths are unavoidable, and where space permits, they should be 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs). "

As you say the building will come right up to the alleyway and due to the proposed new buildings height (in spite of having a low flat roof), will create a sense of enclosure along the alleyway and the new fence currently does also (although less in height).

Also being a low flat roof youths could easily climb onto to break into or damage the community building. The Windows are also likely to be damaged and the wall could attract graffiti.

Therefore like you I have reservations regarding this. What was once open with a grass separation strip at the side has been removed, and a sense of enclosure has been created by the new fence, which has also removed a good deal of natural surveillance along the path, which is likely to cause a fear of crime or at least a feeling of being unsafe in users.

Amended plans;

My initial thoughts are:

- The parapet wall: This would raise the height and still create even more enclosure of the footpath.
- The window to the side is better, but would need some defensive panting against it (as is suggested). Then a low fence would not be needed?
- CCTV and lighting to cover the building and the alleyway would certainly be an

advantage.

- Additional thoughts are: Could the end wall against the footpath, does it need to go right against the footpath, or could it come back even a foot, so as to create some standoff? Then just a grass strip could go at the side or a cobbled strip (which would need no maintenance). Either of these strips would help create a slight stand-off and make the roof and end wall less enclosing to the footpath.

Therefore subject to your local knowledge I think we are reaching towards an agreement?

Considerations

Policy and Principle

The site is situated within the urban area of Hemel Hempstead wherein residential and non-residential development for small-scale social, community, leisure and business purposes is encouraged. The proposal seeks consent for non-residential development (laundry facilities) to serve the adjacent residential site. CS4 of the Core Strategy encourages social and community uses. Policy CS23 of the Core Strategy also encourages social infrastructure providing services and facilities to the community. New Infrastructure will be located to aid accessibility.

The proposal is acceptable in principle in accordance with Policy CS4 and 23 of the Core Strategy.

The main consideration in the determination of this application is its compliance with Policy CS12 of the Core Strategy; its the impact of the development on the character appearance of the building, and the wider street scene, the impact on the residential amenities of adjacent property and crime prevention in terms of its relationship with the adjacent well used public footpath.

In accordance with Policy CS12 the extension would;

- a) provide a safe and satisfactory means of access for all users; **The proposed laundry facilities could be accessed via the main entrance to the community day room (which is already set up to provide wheelchair access), or via the existing side access into the day room.**
- b) provide sufficient parking and sufficient spaces for servicing; **The sheltered accommodation is well served by off-street parking and this would not alter as a result of the proposal.**
- c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; **Several options were explored for the siting of the laundry facilities, the proposed position adjacent to the communal day room provides the least disruptive location as it located away from the residential properties themselves. As such any issues with regard noise and disturbance through their use should be minimal.**
- d) retain important trees; **There would be no impact on any of the trees within the communal garden.**
- e) plants trees and shrubs to help assimilate development and softly screen settlement edges; **The scheme has been amended during the course of the application. In order to deter crime a defensible soft landscaped area has been provided immediately in front of the extension. This area is angled to increase visibility and natural surveillance and is enclosed by low level fencing. This area will be landscaped so it assimilates well.**
- f) integrate with the street scape character; **The simple design and very modest size of the extension means there would be no significant impact on the overall character or appearance of the wider area or street scene.**

g) respect adjoining properties in terms of

1. layout - **the extension will occupy an existing under used area adjacent to the existing garden fence.**
 2. security - **As part of the proposal and in response to the initial concerns about crime safety along the public footpath, CATV and additional lighting are to be introduced. The extension would provide some natural surveillance along the public footpath to the east. Visibility and natural surveillance to the west is very restricted but this is already the case due to the siting of the close boarded fencing.**
 3. site coverage - **adequate space is retained in and around the building,**
 4. scale - **the extension is very modest and compatible in size and scale to the existing building**
 5. height - **see above**
 6. bulk - **see above**
 7. materials - **the bricks to be used would match those of the existing building and thus harmonise well.**
- landscaping - **see (e) above.**

Effects on appearance of building / area

The modest size and scale of the extension, its simple design and the use of matching materials would mean it would not significantly alter the character or appearance of the building or the wider Rowans site. It would thus successfully integrate into the existing street scene. The proposal complies with Policy CS12 as set out above.

Impact on Neighbours

The proposed extension would not have an adverse impact on the residential amenities of adjacent properties in terms of light, privacy or visual intrusion. The properties of Northridge Way to the north are situated some distance away behind a mature dense hedgerow, which itself is set behind a wide public footpath. With regard to the sheltered accommodation the laundry facilities have been located adjacent to the communal day room in order to minimise adverse impact on residential amenity. The flats adjacent are set back from the application site and behind an existing boundary wall / side access alley. Again any impact on their residential amenity would be minimal.

Crime Prevention

Concern was expressed about the design of the initial proposal. The proposal has since been amended in line with the advice given. The amendments are summarised as follows;

- The flat roof has been replaced by a parapet wall to prevent access
- The windows to the alley have been omitted and a larger single window located to the front elevation. This would be located behind a landscaped area (and enclosed by a low fence to further prevent access but allow natural surveillance).
- CCTV and lighting installed

The proposal is now considered acceptable and will in accordance with Policy CS12 provide a safe environment for residents and the public.

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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development and to comply with Policy CS12 of the Core Strategy.

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

**T2-1042-1 Location and Block Plan
T2-1042-2 Existing layout
T2-1042-3 Existing Elevations
T2-1042-4 Proposed layout
T2-1042-5 Proposed Elevations
T2-1042-6 Proposed extension
T2-1042-7 Existing drainage
T2-1042-8 Proposed drainage
T2-1042-9 Sections**

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

Article 35

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 No. 2) Order 2015.

Agenda Item 5h

Item 5h

4/03013/16/FHA- INSTALLATION OF SATELLITE DISH 110 CM IN DIAMETER

8 MILLBANK, HEMEL HEMPSTEAD, HP3 9RN



Satellite Dish

**4/03013/16/FHA - INSTALLATION OF SATELLITE DISH 110 CM IN DIAMETER.
8 MILLBANK, HEMEL HEMPSTEAD, HP3 9RN.
APPLICANT: Miss M Ghulam.**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

Site Description

The application site is located to the north-eastern corner of Millbank in Apsley and comprises a first floor flat.

Proposal

Planning permission is sought for the erection of a 110cm diameter satellite dish to receive foreign tv channels to aid a resident with severe learning difficulties. The dish would be sited on the southern side of the building at first floor level.

Referral to Committee

The application is referred to the Development Control Committee as it is a council owned building.

Planning History

None on record

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Appendices 3,

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area [HCA 12; Apsley]

Summary of Representations

No comments received.

Considerations

The site is situated within the town of Hemel Hempstead wherein residential development is acceptable in accordance with Policy CS 4 of the Core Strategy.

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.

Given its position high on the building and location beyond a mature tree, the satellite dish would not have an adverse impact on the overall character or appearance of the building or the wider area; it would in fact be largely concealed from most public vantage points. There are numerous examples of satellite dishes in the immediate vicinity, albeit slightly smaller than that proposed, and as such the additional one would not appear unduly prominent or incongruous in the street scape. The proposal thus complies with the above policy requirements.

It is important to note that a dish of 100cm diameter would not require formal planning permission and could be erected under normal permitted development rights. This is a material consideration that should be afforded weight in the current considerations. Given its siting and elevated position, the dish would have a limited visual impact and the additional 10cm diameter (which means it requires consent) would be negligible in visual terms. The benefits the dish would provide (receiving foreign tv channels for council tenant with severe learning difficulties) would outweigh any slight visual harm the erection of the slightly larger dish may cause. The area is well landscaped and a mature tree is sited immediately in front of the application site which will soften its overall visual impact.

The application is 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:**

[Site Location Plan](#)
[Photographs of building](#)
[Satellite dish specification](#)

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

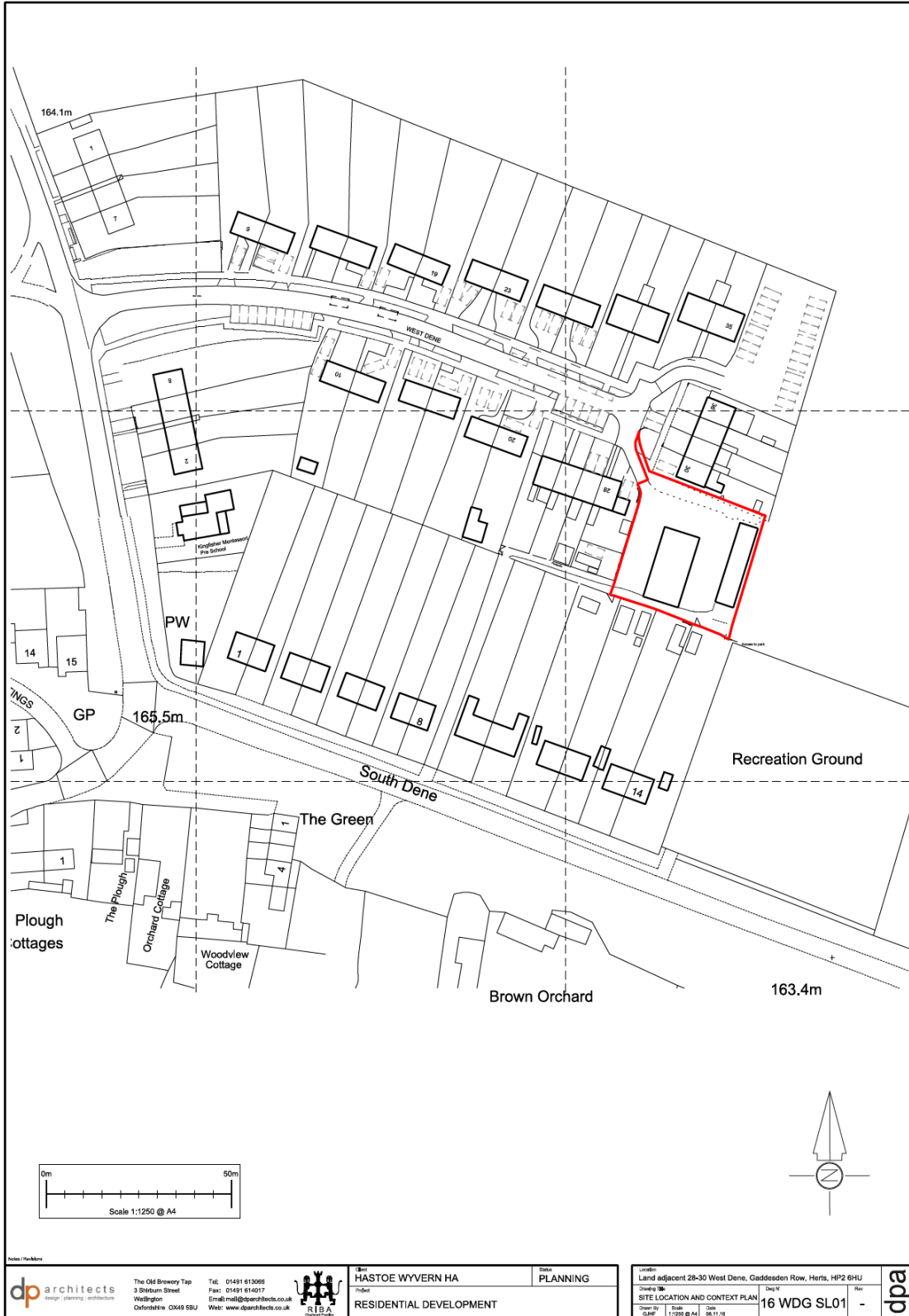
Planning (Development Management Procedure) (England) (Amendment No. 2)
Order 2015.

Agenda Item 5i

Item 5i

4/03282/16/FUL- FOUR TWO-BED DWELLINGS

LAND SOUTH OF 30, WEST DENE, GREAT GADDESSEN

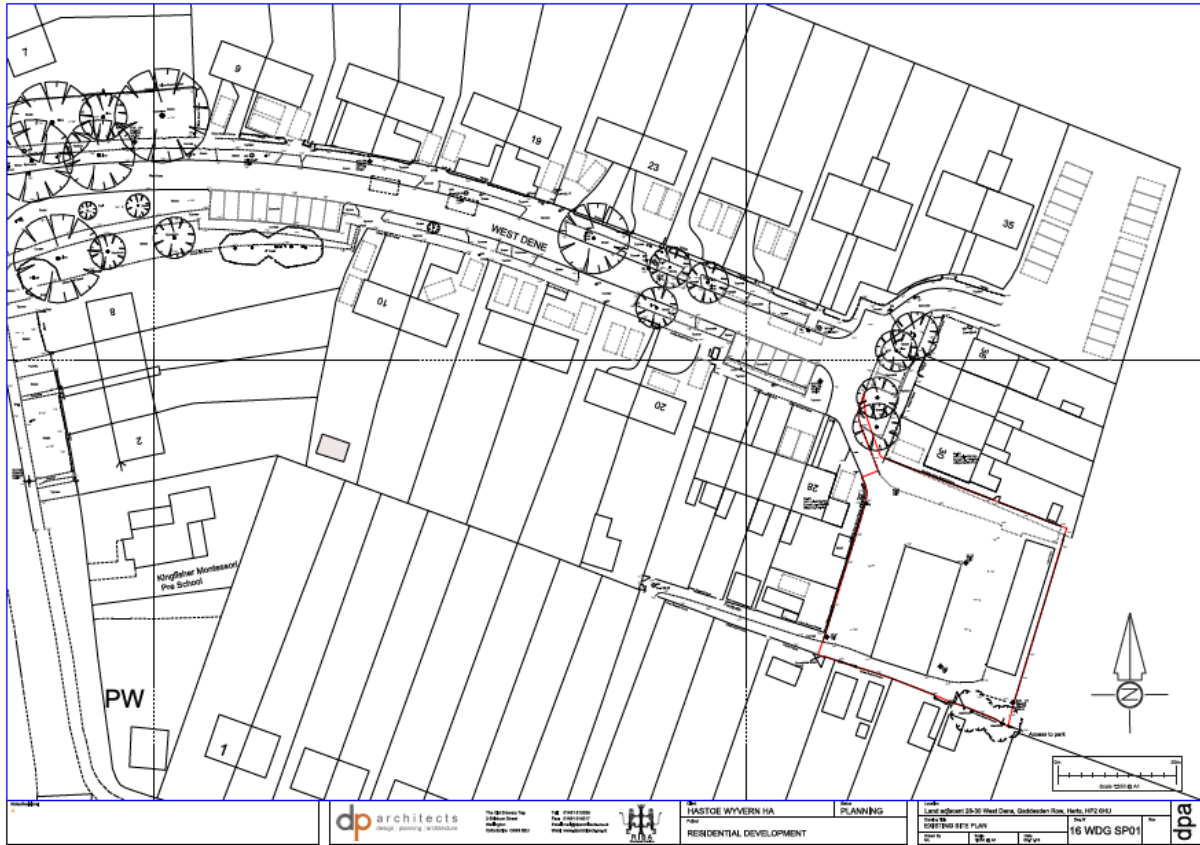


<p>The Old Brewery Tap 3 Oldbarn Street Watlington Oxfordshire OX49 5BU Tel: 01491 613069 Fax: 01491 614017 Email: mail@dparchitects.co.uk Web: www.dparchitects.co.uk</p>	<p>HASTOE WYVERN HA Type: RESIDENTIAL DEVELOPMENT</p>	<p>Date: PLANNING</p>	<p>Location: Land adjacent 28-30 West Dene, Gaddesden Row, Herts, HP2 6HU</p>	
			<p>Drawing No: SITE LOCATION AND CONTEXT PLAN</p>	

Item 5i

4/03282/16/FUL- FOUR TWO-BED DWELLINGS

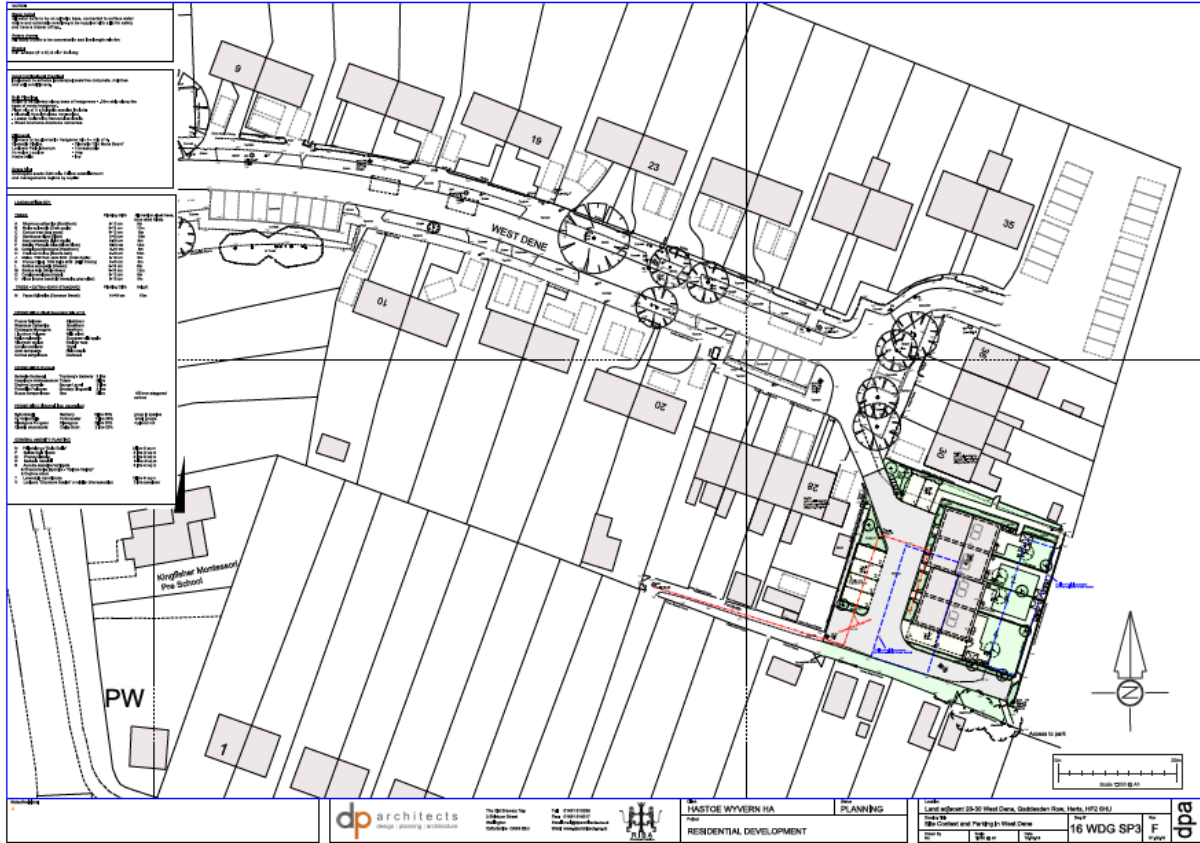
LAND SOUTH OF 30, WEST DENE, GREAT GADDESSEN



Item 5i

4/03282/16/FUL- FOUR TWO-BED DWELLINGS

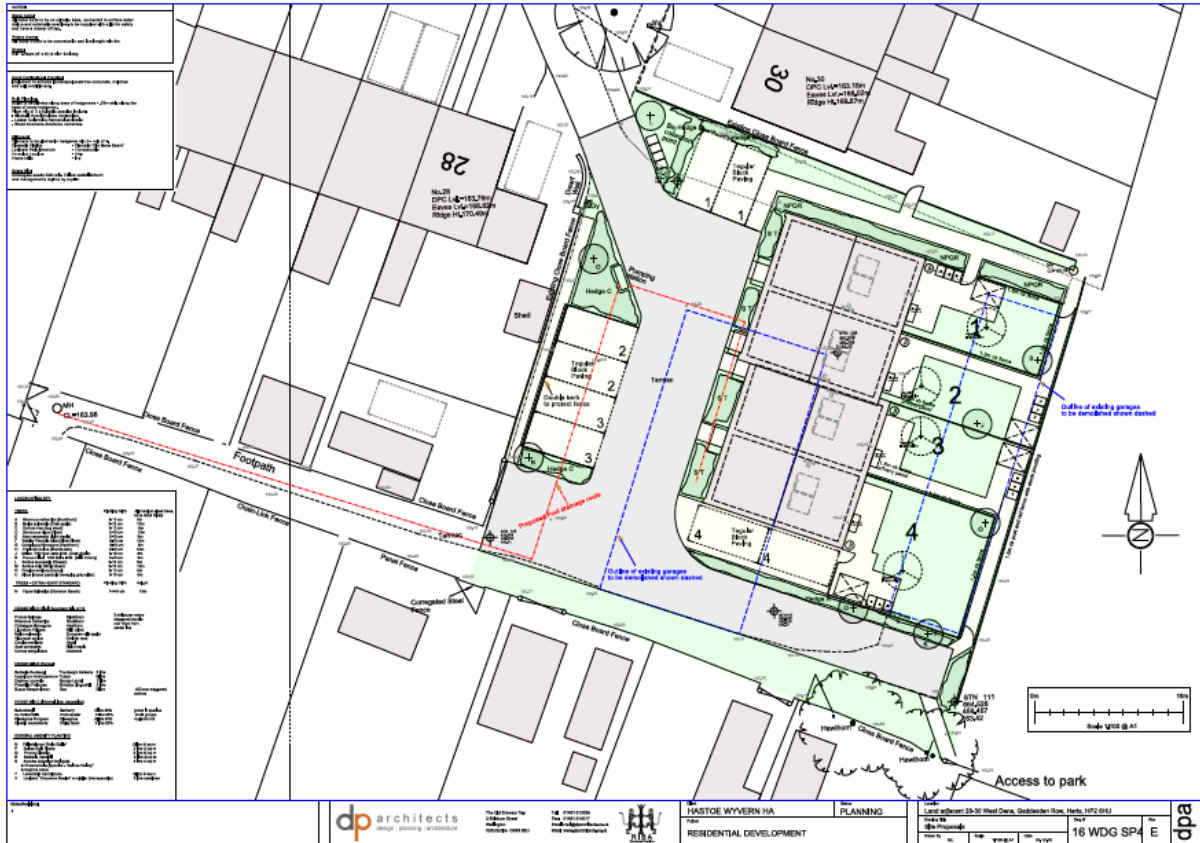
LAND SOUTH OF 30, WEST DENE, GREAT GADDESSEN



Item 5i

4/03282/16/FUL- FOUR TWO-BED DWELLINGS

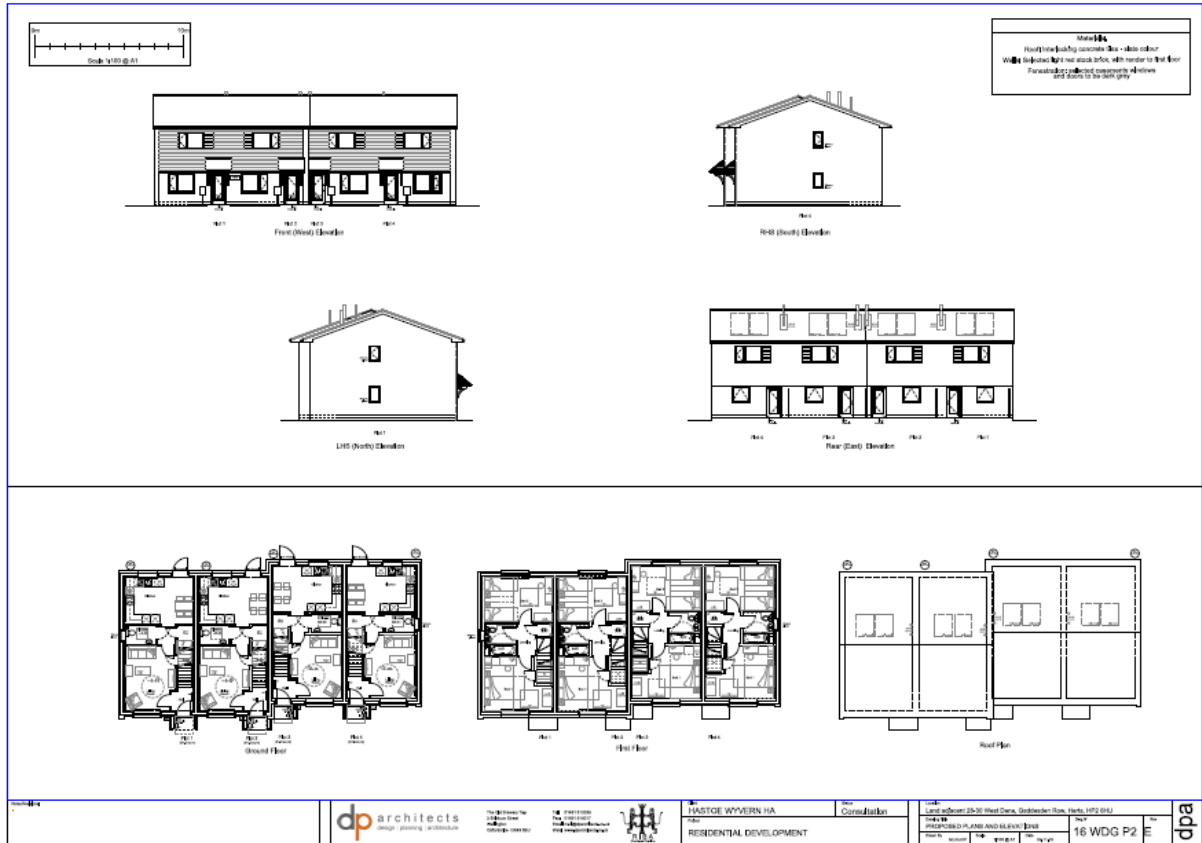
LAND SOUTH OF 30, WEST DENE, GREAT GADDESSEN



Item 5i

4/03282/16/FUL- FOUR TWO-BED DWELLINGS

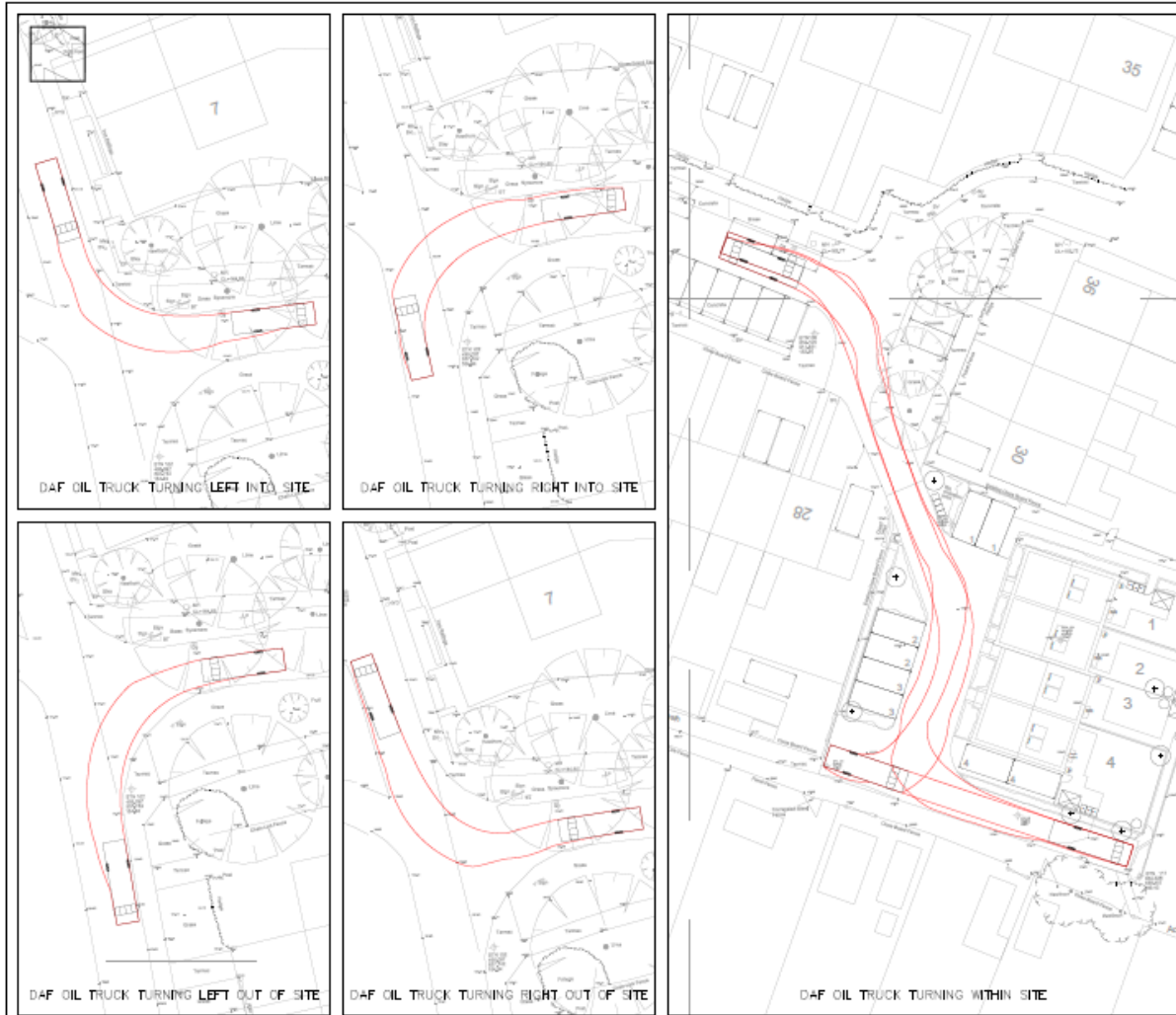
LAND SOUTH OF 30, WEST DENE, GREAT GADDESSEN



Item 5i

4/03282/16/FUL- FOUR TWO-BED DWELLINGS

LAND SOUTH OF 30, WEST DENE, GREAT GADDESSEN



**4/03282/16/FUL - FOUR TWO-BED DWELLINGS.
LAND SOUTH OF 30, WEST DENE, GREAT GADDESSEN.
APPLICANT: Hastoe Wyvern Housing Association.**

[Case Officer - Matt Heron]

Summary

As the proposed dwellings would be affordable units and the site is not significantly isolated from larger urban areas, the development, on the whole, is sustainable.

Furthermore, the development would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and would deliver homes in accordance with an identified need, with priority given to those with a local connection. As such, the development is in accordance with Policy CS20 (subject to a relevant legal agreement) and there is no compelling objection to the principle of the development in land use terms.

The proposal has also been assessed in terms of its impacts on the character of the Rural Area and the AONB, the living conditions of the occupants of surrounding units, parking provision, highway safety and other relevant material considerations. The proposal is considered acceptable in terms of the above and would comply with identified local and national policy in this regard.

Site Description

The application site is located within a residential area of Great Gaddesden, within the Chilterns Area of Outstanding Natural Beauty and the designated 'Rural Area'.

The site comprises 26 single storey garages (approximately 1182m² of built form), laid out in three rows, and is bounded by residential units to the north, south and west. Immediately beyond the eastern boundary of the site lies a public footpath and beyond this is an open field system.

Proposal

This application seeks full planning permission for the demolition of the existing garages and the construction of 4no. two bedroom units.

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
CS7 – Rural Area
CS8 – Sustainable Transport
CS9 – Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS20 – Rural Sites for Affordable Homes
CS24 – The Chilterns Area of Outstanding Natural Beauty
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the use of Urban Land
Policy 51 – Development and Transport Impacts
Policy 57 – Provision and Management of Parking
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 97 – Chilterns Area of Outstanding Natural Beauty
Policy 129 – Storage and Recycling of Waste on Development Sites
Appendix 5 – Parking Provision

Summary of Representations

Comments received from consultees:

Hertfordshire County Council Transport, Programmes and Strategy – No objection subject to relevant conditions.

Dacorum Environmental Health – No objection subject to a relevant condition.

Dacorum Trees and Woodland Department – No objection received.

Affinity Water – No objection received.

Thames Water – No objection.

Comments received from local residents:

Two letters of objection have been received from addresses in West Dene. Comments are summarised as:

- Concerns with regards to contaminated land and its remediation.
- Overlooking of residential units.

One other comment from a neighbouring address has been submitted and draws concerns to the measures for remediating any contaminated land at the site.

Further, it is noted that the above mentioned objections draw attention to legal rights of access. Though it would appear no right of access is impinged upon, this forms a legal/civil matter and is outside of the remit of planning. No weight is therefore afforded to this particular objection.

Comments received from Parish Council

Great Gaddesden Parish Council – Support the application.

Key Considerations:

1. The principle of development
2. The quality of the design and the impacts upon the Rural Area and the Area of Outstanding Natural Beauty (AONB)
3. The potential impact on the living conditions of the occupiers of surrounding residential units.
4. Highway Safety and Parking Provision
5. Other Material Planning Considerations
 - i) Contaminated Land
 - ii) Refuse and Recycling Storage
 - iii) Protected Species

1. The principle of development

The application site is located within Great Gaddesden but is not an allocated housing site and so is considered to be a 'windfall site'. It is acknowledged that Core Strategy Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged. As such, this particular site is not completely in accordance with the Council's identified settlement strategy.

However, there is a bus service within close proximity of the site which provides a service to facilities and services within larger urban areas and there is a school within Great Gaddesden. As such, and given that the proposed units would be affordable units, it is not considered that the site is significantly isolated and that the development, on the whole, is socially sustainable.

The site is previously developed and Policy CS7 states that within the Rural Area the small scale redevelopment of previously developed sites may be acceptable provided proposals

harmonise with the existing rural character and support the rural economy. The construction of units themselves would result in some economic benefits and future residents may use surrounding local services. As such, provided that the development integrates with its surroundings (see discussion below) there is no compelling objection to the principal of the proposal within the Rural Area.

The proposal is also for affordable units. Policy CS20 states that proposals for affordable units not within or surrounding selected small villages may be acceptable provided there is the support of the local Parish Council. Proposals with such support must also; meet an identified local need for affordable housing, be for people with a connection with the village or parish and be of a scale and design which respects its setting.

The applicant has agreed to sign a legal agreement ensuring that priority for the occupation of affordable units would be given to those with a local connection and the applicant has submitted a Housing Needs Survey identifying that there is a need for some affordable housing (6 units) in Great Gaddesden. Furthermore, Dacorum Housing Department has confirmed there is a demand, both locally and across the Borough, for two bedroom affordable units. Taking all of this into account, it is considered that there is an identified need for the type of proposed unit and the development would help ease the pressure on the Council's local and Borough wide housing register. As such, subject to preserving the spatial pattern of surrounding built form, the proposal would comply with Policy CS20.

Taking all of the above into account, as the National Planning Policy Framework (henceforth referred to as the Framework) encourages the provision of more housing within existing settlements and Local Plan Policy 10 seeks to optimise the use of available land within urban area, it is considered that the development would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). Furthermore, it would deliver homes in accordance with an identified need, with priority given to those with a local connection, and would, overall, represent sustainable development. As such, subject to harmonising with the semi-rural setting, there is no compelling objection to the principle of the development in land use terms.

2. The quality of the design and the impacts upon the Rural Area and the Area of Outstanding Natural Beauty (AONB)

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. Additionally, Policies CS1 and CS7 seek to preserve the rural character of the Borough and Chapter 7 of the Framework emphasises the importance of good design in context. 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.

Additionally, the application site is located within an Area of Outstanding Natural Beauty (AONB). Policy CS24 and Local Plan Policy 97 seek to conserve the special qualities of this area and ensure materials used for developments fit the traditional character of the area. Additionally, Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in the AONB.

The application site comprises three rows of single storey garages and is located within a

residential area of Great Gaddesden. Residential units within West Dene, from which access to the site is taken, comprise two storey semi-detached and terraced units constructed from an eclectic mix of materials (including cladding, brickwork and rendered brickwork) under pitched roofs.

The proposed units have a combined footprint of approximately 192m². There would be a gap of approximately 15m between the proposed terraced units and No. 28 West Dene to the west, a gap of approximately 5.5m between proposed units and No. 30 West Dene to the north and a gap of approximately 10m between the development and the boundaries of rear gardens which benefit existing units to the south.

Taking the above into account, and as the absence of built form to the west of the site and rear gardens of units which adjoin the site aid in retaining the spacious feel of the area, it is considered that sufficient spacing would be left about the development to ensure that it would not appear cramped or overdeveloped upon the site. However, to ensure that the proposal remains acceptable in this regard, it is considered reasonable to remove permitted development rights for extensions and alterations to the units under Schedule 2, Part 1, Class A.

Furthermore, proposed units would have a maximum height of approximately 7.6m, which is commensurate with the scale of surrounding units. As such, it is not considered that the development would appear as a visually dominant feature within the immediate streetscene.

Turning to the individual design of units, it is not considered that a row of terraced dwellinghouses would disrupt the spatial pattern of surrounding built form. Furthermore, the units would be constructed of facing brickwork (Lydigate Red Multi), buttermilk render and horizontal weatherboarding (Cedral Lap weatherboard – Silver Grey) under a grey tiled roof (Russel Roof Tiles – Grampian). These materials are sympathetic to surrounding residential units and, as such, the development would not disrupt the character of the immediate streetscene and the visual interests of its surroundings. It is, however, considered reasonable to impose a condition requesting further details of the proposed hardstanding to ensure that there is a high quality mix of materials for this element of the development.

On discussion with Dacorum Trees and Woodland, it is not considered that the proposal would result in harm to vegetation that is of significant amenity value to protect. Notwithstanding this, it is considered reasonable to impose a condition requesting a detailed landscaping plan showing exact specifications of vegetation to be planted and details of boundary treatments to ensure the development is of a high standard in this regard.

Overall, subject to the imposition of identified conditions, the proposal would be visually acceptable and would not disrupt the character of the Rural Area or the AONB. As such, the proposal complies with identified local and national policy in this regard.

3. The potential impact on the living conditions of the occupiers of surrounding residential units.

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.

The proposed units would extend approximately 6m beyond the main two storey rear elevation of no. 30 West Dene and would be approximately 5.5m away from this neighbouring property. Though the proposal would be visible from the rear windows and external amenity space which benefits No 30 West Dene, it is not considered that the build, form and positioning of the development would result in significant harm to the living conditions of the occupants of this neighbouring unit, in terms of overbearing and loss of light. Furthermore, there would only be a small, obscure glazed, window in the northern elevation of the proposed row of units and first floor rear windows would not afford direct views of the private primary amenity space which benefits No. 30 West Dene. As such, the privacy of this unit would be preserved.

With regard to potential noise and disturbance, it is noted that proposed parking spaces would be adjacent to existing residential units. However, there are no windows within the main southern elevation of No. 30 West Dene and there would be landscaping and boundary treatments adjacent to most parking spaces to reduce disturbance from vehicular movements. Taking this into account, and given the overall scale of the proposal and the residential context in which it would be located, it is not considered that the proposal would result in significant levels of noise and disturbance, particularly when compared to the existing lawful use of the site. The proposal is therefore considered acceptable in this regard.

Finally, though not shown on plans, there is the potential for street lighting to be introduced to this development in the future. In order to adequately manage the impacts any future lighting may have on existing residential units, it is recommended that a condition be imposed requesting details of any such lighting.

Taking all of the above into account, and given the distance to units to the west and south of the site (15m and 10m respectively), the proposal would not result in significant harm to the living conditions of the occupants of surrounding residential units, in terms of overbearing and loss of light. Additionally, the proposal would not result in significant levels of noise and disturbance and would preserve the privacy of surrounding dwellings. Further, the proposed units would be of a high standard of design and would offer acceptable living conditions for future residents. As such, the proposal complies with identified local and national policy in this regard.

4. Highway Safety and Parking Provision

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 proposal would afford two off-road parking spaces for each unit. Parking provision for proposed units is therefore acceptable.

Turning to the loss of the existing garages, the applicant has provided information which

outlines that 13 of the 26 garages are vacant and only four of these garages are used by residents of South Dene. The applicant has also submitted a Parking Survey outlining that there is ample on-street parking provision in West Dene.

Given the low occupancy rates of the garages and the existence of on-street parking within the immediate area, it is considered that the loss of existing garages would not result in such on-street parking pressures that would be to the extent that would warrant a refusal of permission. As such the proposal is acceptable in this regard.

Policies CS8, CS9 and 51 seek to ensure developments have no detrimental impacts in terms of highway safety.

Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS) have been consulted and consider that access to the site would be acceptable and vehicular movements associated with the proposal could be accommodated on the exiting highways network. Subject to the imposition of conditions requiring visibility splays to be maintained and the access to be suitably surfaced, HCCTPS are not in objection to the development. As such, the proposal is considered acceptable in this regard.

5. 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) Refuse and Recycling Storage

Saved Policy 129 seeks to ensure that developments have adequate storage for refuse and recycling. The proposed dwellings would provide secure space to the rear to store wheelie bins, which themselves could be presented to the highway boundary for collection when required. As such, it is considered that the development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

iii) Protected Species

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS26 states that

proposals should contribute to the conservation of habitats and species.

The application site is not located within a designated Wildlife Site and there are no records of protected species at the site. As such, it is not considered that the proposal would result in harm to the biodiversity of the area.

Conclusion

As the proposed dwellings would be affordable units and the site is not significantly isolated from larger urban areas, the development, on the whole, is sustainable.

Furthermore, the development would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and would deliver homes in accordance with an identified need, with priority given to those with a local connection. As such, the development is in accordance with Policy CS20 (subject to a relevant legal agreement) and there is no compelling objection to the principle of the development in land use terms.

The proposal has also been assessed in terms of its impacts on the character of the Rural Area and the AONB, the living conditions of the occupants of surrounding units, parking provision, highway safety and other relevant material considerations. The proposal is considered acceptable in terms of the above and would comply with identified local and national policy in this regard.

RECOMMENDATION - That the application be DELEGATED to the Group Manger, Development Management and Planning with a view to approval subject to the completion of a legal agreement requiring the provision of affordable housing 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: ADC1551/001 Rev. A & 16 WDG SP3 Rev. F & 16 WDG SP01 & 16 WDG SP4 Rev. E & 16 WDG CE01 & 16 WDG SL01 & 16 WDG P2 Rev. E & materials details within document entitled 'Architect's Design and Access Statement'.**

Reason: For the avoidance of doubt, in the interests of proper planning and in the interests of the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 3 Prior to first occupation of the development hereby permitted full details on a suitably scaled plan of both hard and 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) means of enclosure;
- b) existing and proposed finished levels and finished floor levels.
- c) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;
- d) details for all external hard surface within the site, including roads, drainage detail and car parking areas;

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.

- 4 **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.

- 5 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class A shall take place.**

Reason: To enable the local planning authority to retain control over the development in the interests of the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 6 **Details of any external lighting proposed in connection with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of approved units. The development shall not be carried out other than in accordance with approved details in this regard.**

Reason: In the interests of the living conditions of the occupants of surrounding units and the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

7 No development shall 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 (d) 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 must be submitted and approved 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:
 - 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;
- (iii) 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

If contaminated land is identified through condition (a), 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.

(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. 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/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 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), 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/validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

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 2013.

- 8 **Before the access is first brought into use 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. Splays shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway/footway level.**

Reason: To provide adequate visibility for drivers entering and leaving the site in the interests of highway safety in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

- 9 **Prior to first occupation of the development hereby granted all on site vehicular areas shall be accessible and surfaced (and marked) in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the premises in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004

- 10 **The access shall be constructed in a hard surfacing material for the first 5 metres from the edge of the footway/carriageway.**

Reason: To prevent loose material from passing onto the public highway, in the interests of highway safety in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

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

Informatives:

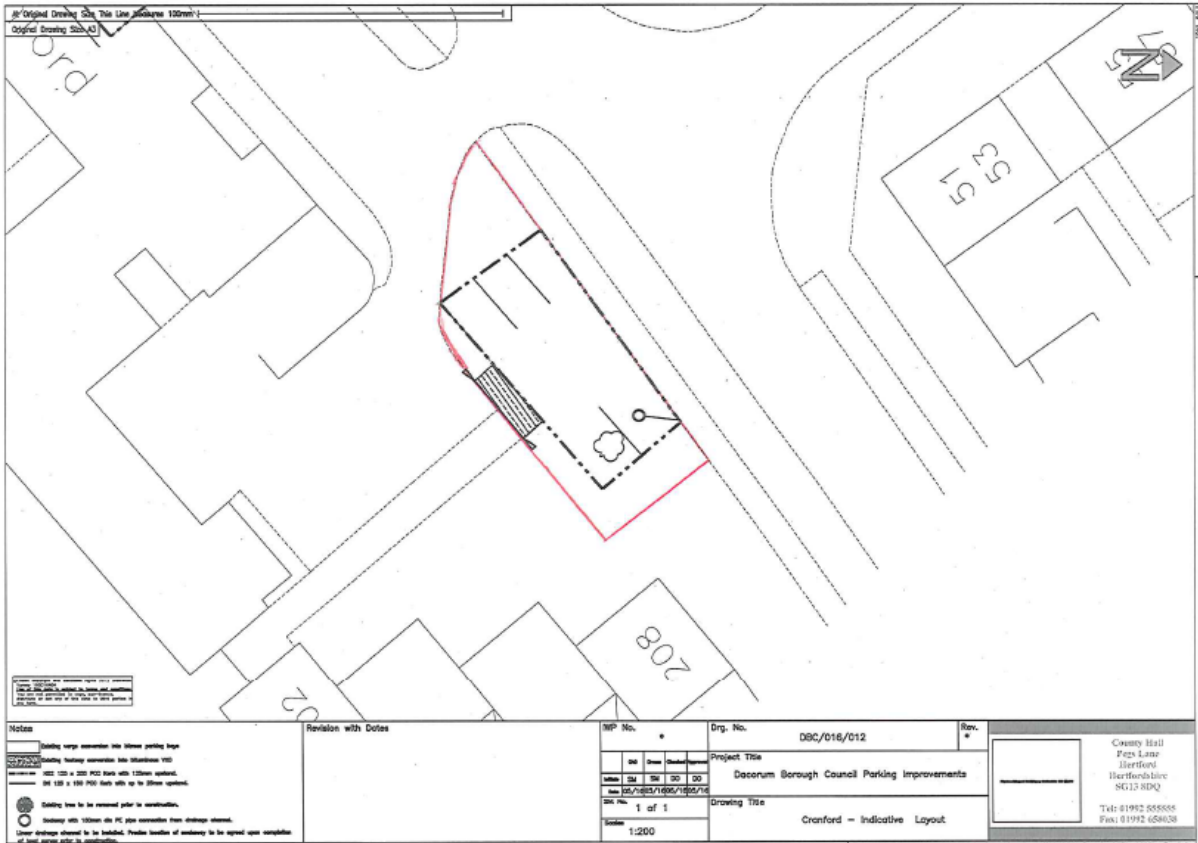
1. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact hertsdirect@hertscc.gov.uk or for information use our website www.hertsdirect.org. or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out. Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

Agenda Item 5j

Item 5j

4/02881/16/FUL- INSTALLATION OF 5 NEW PARKING BAYS ON AMENITY GREEN

CRANFORD, FLETCHER WAY, HEMEL HEMPSTEAD, HP2 5QP



**4/02881/16/FUL - INSTALLATION OF 5 NEW PARKING BAYS ON AMENITY GREEN.
CRANFORD, FLETCHER WAY, HEMEL HEMPSTEAD, HP2 5QP.
APPLICANT: Ms Gill Barber - 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 in the immediate area 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 and is adjacent to parking areas for surrounding residential units.

Proposal

The application seeks permission for the construction of five parking bays on the amenity green to adjoin the existing off-road parking area.

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.

Dacorum Landscape and Ecology - No objection subject to relevant condition.

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) Contaminated Land
- (ii) 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 would not cover the entirety of the piece of amenity land 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, 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. Notwithstanding this, it is considered reasonable to impose a condition requesting the submission of a Landscaping Plan prior to first use of the proposal. This would allow the assessment of replacement vegetation for that lost.

Having regard to all of the above, and subject to the imposition of the identified condition, 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 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.

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 five 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, the proposal is considered acceptable in this regard.

6. 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 the proposal would not result in risk in this regard.

(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, submitted plans indicate the inclusion of a soakaway system and a drainage channel. 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/016/012 (scale of 1:200).**

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 in accordance with approved details.**

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 for replacement trees, including specifications of species, sizes, planting centres, planting method and number and percentage mix;

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.

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.

Informatives:

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

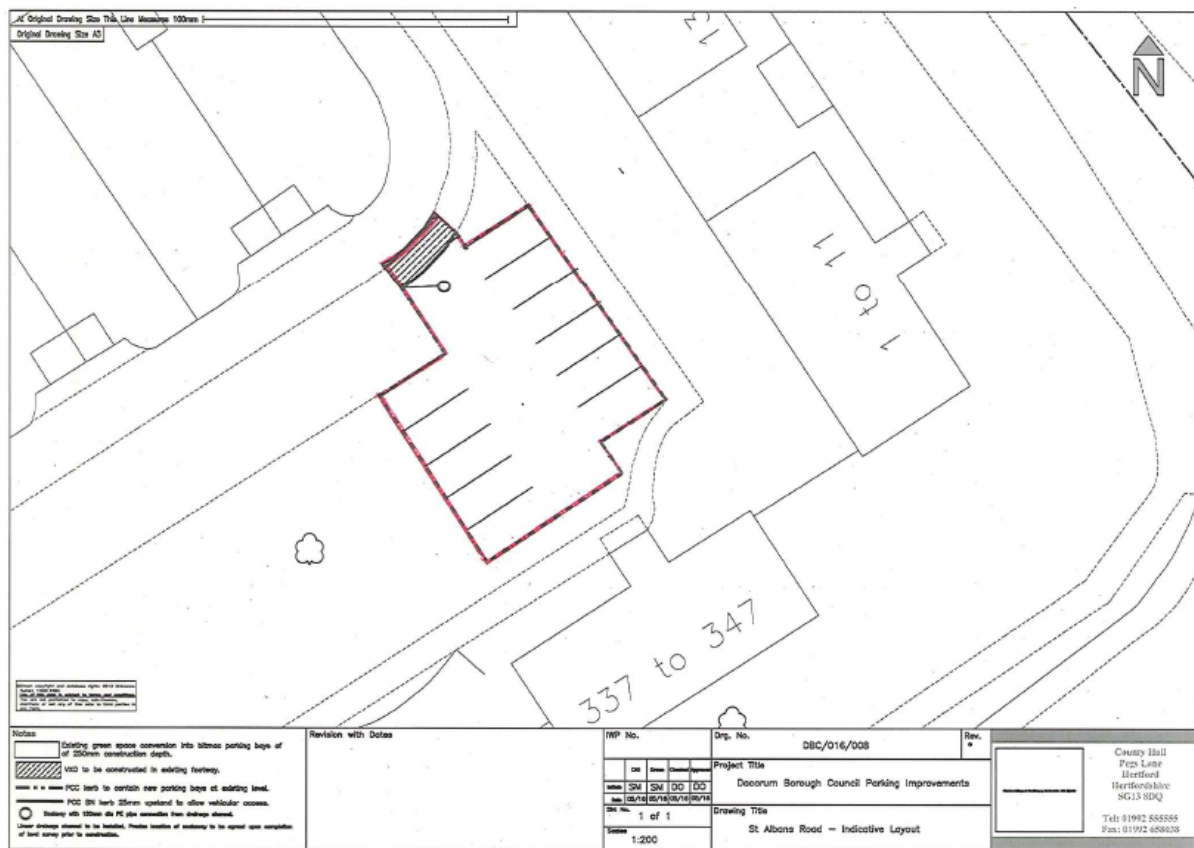
2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway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

Agenda Item 5k

Item 5k

4/03301/16/FUL- INSTALLATION OF 11 PARKING BAYS

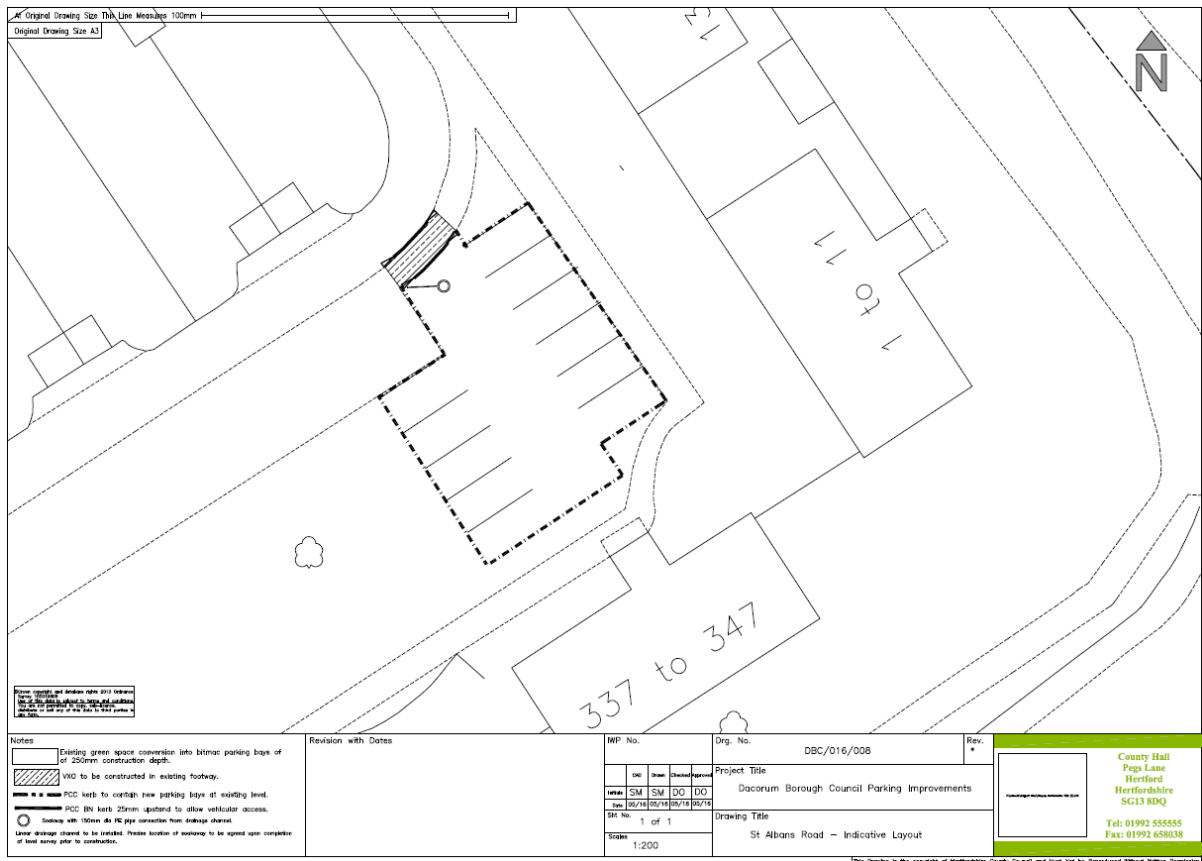
AMENITY GREEN BEHIND FLATS 1-23 LONGLANDS, HEMEL HEMPSTEAD, HP2 4DG



Item 5k

4/03301/16/FUL- INSTALLATION OF 11 PARKING BAYS

AMENITY GREEN BEHIND FLATS 1-23 LONGLANDS, HEMEL HEMPSTEAD, HP2 4DG



**4/03301/16/FUL - INSTALLATION OF 11 PARKING BAYS.
AMENITY GREEN BEHIND FLATS 1-23 LONGLANDS, HEMEL HEMPSTEAD, HP2 4DG.
APPLICANT: Resident Services - GIL BARBER.**

[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 in the immediate area 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 benefits adjacent flatted units.

Proposal

The application seeks permission for the construction of 11 parking bays and an associated dropped kerb on the amenity green.

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.

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

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 would not cover the entirety of the piece of amenity land 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, 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, and subject to the imposition of the identified condition, 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 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.

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 11 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. No response has been received as yet. As such, it is recommended that this application is approved subject to the approval of County Highways and the imposition of any conditions requested by this consultee.

6. 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 the proposal would not result in risk in this regard.

(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, submitted plans indicate the inclusion of a soakaway system and a drainage channel. 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.

Conditions subject to approval of Highways Authority and any relevant requested conditions by this consultee:

RECOMMENDATION - That subject to no adverse comments being received from the Highways Authority 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/016/008.**

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 in accordance with approved details.**

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies CS11 and CS12 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.

Informatives:

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

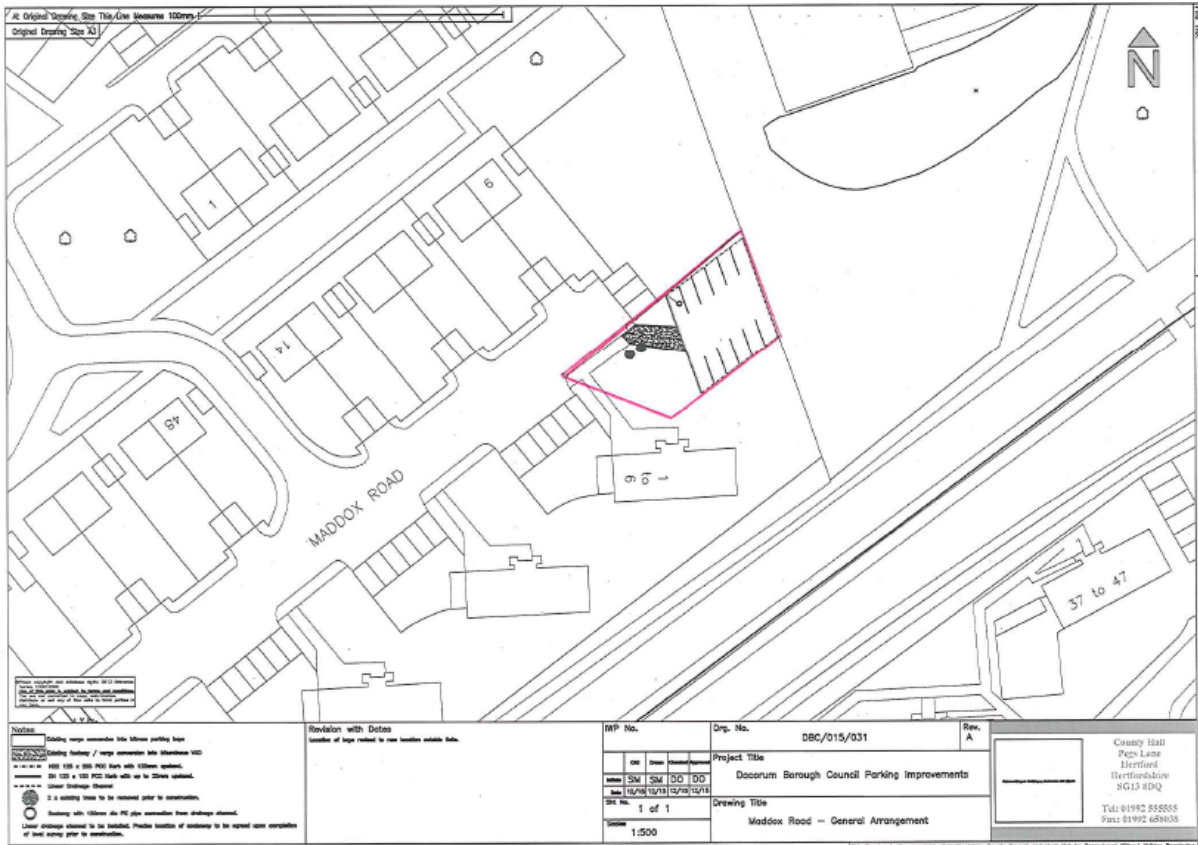
<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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.

Item 51

4/03056/16/FUL- INSTALL 12 PARKING BAYS ON AMENITY GREEN

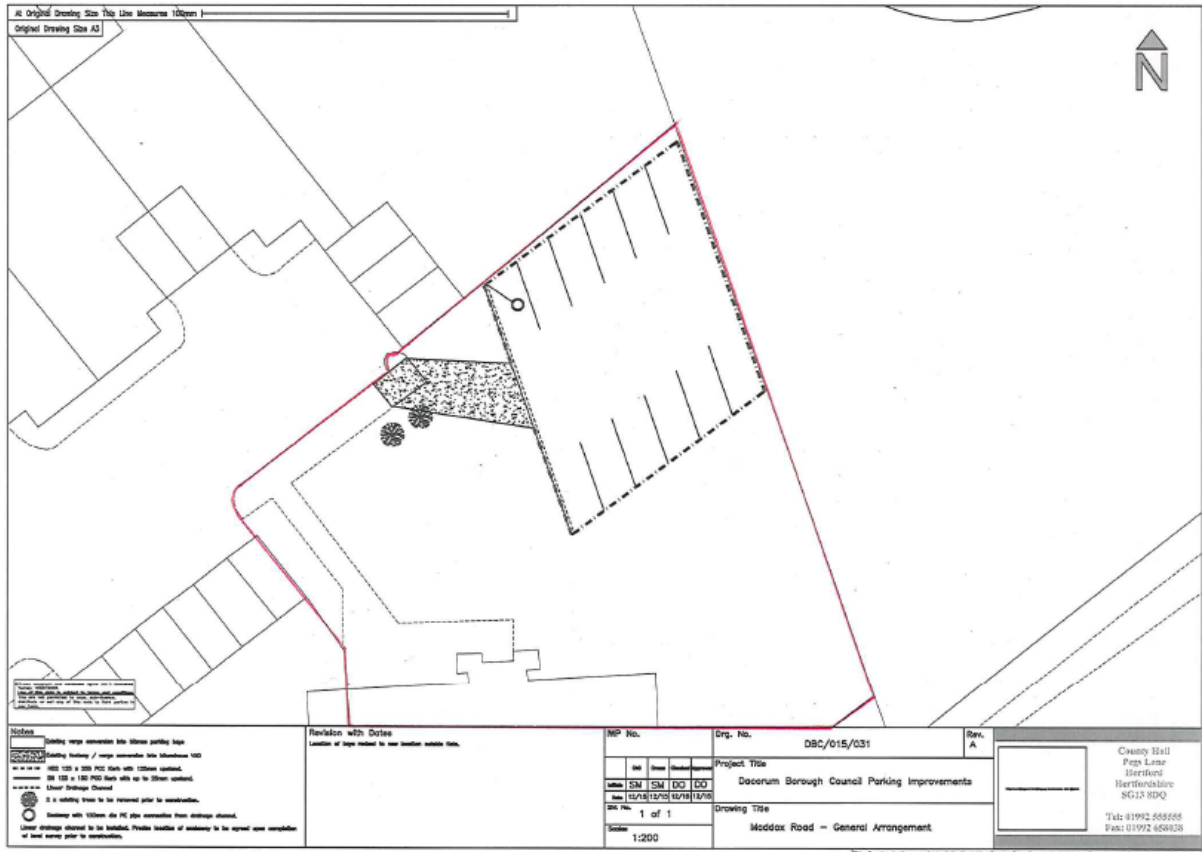
LAND FRONT OF 1 TO 6, MADDOX ROAD, HEMEL HEMPSTEAD



Item 51

4/03056/16/FUL- INSTALL 12 PARKING BAYS ON AMENITY GREEN

LAND FRONT OF 1 TO 6, MADDOX ROAD, HEMEL HEMPSTEAD



**4/03056/16/FUL - INSTALL 12 PARKING BAYS ON AMENITY GREEN.
LAND FRONT OF 1 TO 6, MADDOX ROAD, HEMEL HEMPSTEAD.
APPLICANT: Resident Services - Ms G Martinez.**

[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 benefits flatted units to the south. Immediately to the east of the site lies parking associated with adjacent commercial premises.

Proposal

The application seeks permission for the construction of 12 parking bays on the amenity green. These would be laid out in two sections of six bays. There would also be the construction of a new associated vehicular crossover.

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.

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

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 would not cover the entirety of the piece of amenity land 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, 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, and subject to the imposition of the identified condition, 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 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.

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 12 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, this section of Maddox Road is not highway maintainable at public expense, and therefore works may be facilitated without highway authority agreement. However, 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, the proposal is considered acceptable in this regard.

6. 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 the proposal would not result in risk in this regard.

(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, submitted plans indicate the inclusion of a soakaway system and a drainage channel. 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/015/031 Rev. A & DBC/015/031 Rev. A (scale of 1:500).**

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 in accordance with approved details.**

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies CS11 and CS12 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.

APPEAL UPDATE

A. LODGED

4/00562/16/LBC Mr & Mrs Pritchard
SINGLE STOREY REAR EXTENSION, REPLACEMENT WINDOWS AND
INTERNAL ALTERATIONS

OCTOBER COTTAGE, ROMAN ROAD, NETTLEDEN, HEMEL HEMPSTEAD,
HP1 3DQ
[View online application](#)

4/00759/16/MFA B&M Care
PROPOSED REAR EXTENSION TO PROVIDE AN ADDITIONAL 21
BEDROOMS AND A NEW GP DOCTOR'S SURGERY
32 HIGH STREET, KINGS LANGLEY, WD4 8AA
[View online application](#)

4/01355/16/FHA Mr Young
FORMATION OF VEHICULAR ACCESS ONTO WATFORD ROAD
75 WATFORD ROAD, KINGS LANGLEY, WD4 8DY
[View online application](#)

4/01902/16/LDP MR D COWHAM
INTERNAL ALTERATIONS TO INFILL THREE EXISTING OPENINGS WITH
GLAZING AND TIMBER PANELS
THE OLD BOATHOUSE, CASTLE WHARF, BRIDGE STREET,
BERKHAMSTED, HP4 2EB
[View online application](#)

B. WITHDRAWN

4/02222/16/ENA MR RUSS
CHANGE OF USE FROM ANCILLARY PARKING TO CAR SALES / CAR
WASH.
LAND OPPOSITE 127 HEMPSTEAD ROAD, WD4 8AL
[View online application](#)

The appeal has been withdrawn as the land has been sold.

C. FORTHCOMING INQUIRIES

4/00488/16/ENA MR A MATHERS
APPEAL AGAINST ENFORCEMENT NOTICE, CONVERSION OF ONE
DWELLINGHOUSE TO SEVEN FLATS
1 AIREDALE, HEMEL HEMPSTEAD, HP2 5TP
[View online application](#)

4/02222/16/ENA

MR RUSS
CHANGE OF USE FROM ANCILLARY PARKING TO CAR SALES / CAR
WASH.
LAND OPPOSITE 127 HEMPSTEAD ROAD, WD4 8AL
[View online application](#)

The appeal has been withdrawn as the land has been sold.

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/01364/16/LDP

Pritchard
CONSTRUCTION OF 2 DETACHED OUTBUILDINGS WITHIN THE
CURTILAGE OF THE PROPERTY.
6 HIGHCROFT ROAD, FELDEN, HEMEL HEMPSTEAD, HP3 0BU
[View online application](#)

Decision

1. The appeal is dismissed.

Main Issue

2. A Lawful Development Certificate (LDC) is not a planning permission. Its purpose is to enable owners and others to ascertain whether specific operations or activities would be lawful. Therefore, for the avoidance of doubt, I make clear that the planning merits of the proposed outbuildings are not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.

3. The main issue is whether the Council's decision to refuse to grant a LDC was well founded

Reasons

4. Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (the Order) grants planning permission for 'any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure'. Those 'permitted development rights' are subject to a number of conditions and restrictions, listed at paragraphs E.1 to E.3.

5. The Council do not dispute that the proposed outbuildings would comply with the conditions and limitations listed at paragraphs E.1 to E.3 but dispute whether the proposed building would be 'incidental to the enjoyment of the dwellinghouse'. If a building or enclosure is not required for a purpose that would be incidental to the enjoyment of a dwellinghouse then it would fall outside the scope of the permitted development rights granted under Class E and planning permission would be required. The Council contend that the size, scale and extent of the facilities is excessive and would go beyond what would be 'required' for 'a purpose incidental to the enjoyment of the dwellinghouse'. In particular, they refer to the scale of the proposed cinema, which would have a cloak room and space for 10 people; the size of the gym; and the scale of the indoor bowling green which would accommodate two full size rinks.

6. I am satisfied that the proposal would comply with the restrictions set out within paragraphs E.1 to E.3 of the Order, having regard to size, footprint and location. However, the terms of paragraphs E.1 to E.3 are such that it is possible to design substantial outbuildings or means of enclosure to fit within the limitations, particularly where dwellings have generous gardens as is the case in this instance. It does not follow that a building or enclosure will be incidental to the enjoyment of a dwellinghouse purely because it meets the terms of paragraphs E.1 to E.3. Relatively small buildings may often fall outside the scope of Class E if they are not required for a purpose incidental to the enjoyment of the dwellinghouse and, vice versa, comparatively large buildings may constitute permitted development depending on the circumstances of any given case.

7. It is necessary to consider proposals in the particular context within which they would be situated; an outbuilding that may be considered incidental to the enjoyment of a substantial dwelling with many occupants and large grounds may not be incidental if situated in the garden of a small cottage with a single

occupant. Size alone is not necessarily a determining factor and a wide range of outbuildings, for different purposes may be permitted under Class E, depending on the specific circumstances. Those principles have been established through the Courts, including the cases of Emin¹ and Wallington². The Courts have also established that the term 'required' should be interpreted as meaning 'reasonably required'.

8. Turning to the present case, two outbuildings are proposed, one of which would contain an indoor bowling green with two full sized rinks. The submitted plans show that the building would be 16.82m wide and 40.35m long, with an overall footprint in excess of 650m². The bowling green within the building would have an area of 640m². The adjacent building would house a gym, home cinema, film library and cloak room, with a width of 15.19m, a length of 22m and a footprint of 311.5m² according to the plans. By any measure, the scale of the buildings would be substantial and the structures would take up a large portion of what is a considerable rear garden.

9. At present, the associated dwelling is a modest property but I note that extensions could be undertaken under the permitted development regime, as shown in relation to a previous appeal³. The dwelling is currently vacant but the information before me indicates that the appellant and his wife intend to move into the house once refurbishment is complete. They would apparently be the only permanent occupants and the sheer scale of the facilities would appear to be way in excess of what could be considered reasonably required as an incidental use for a dwelling that would be occupied by two people.

10. The indoor bowling green would equate to the provision a full sized bowling rink per occupant. Similarly, the size of the indoor cinema which could accommodate at least ten people, with large areas of circulation space surrounding the viewing seats, could not reasonably be said to be for a purpose incidental to the enjoyment of a dwellinghouse that is occupied by two people. It seems to me that the gym is not unduly large, given the need to house and provide safe circulation space between pieces of equipment but that does not outweigh my concerns relating to the scale of the development as a whole.

11. I note that the appellant and his wife have a large family who would be likely to visit the property on a frequent basis. Friends may also visit. Therefore, the suggestion appears to be that larger facilities are required, than would otherwise be the case, on the basis that people who do not normally reside at the property would visit for the purpose of using those facilities. It seems to me that the rationale in that respect is based upon the need to accommodate those who reside elsewhere, and not necessarily the requirements of the occupants of the dwellinghouse itself. That adds to my concern that the scale of the proposed development goes beyond what is reasonably required for the enjoyment of the particular dwellinghouse in question.

12. Moreover, I have noted the description of development that was proposed in relation to the previous appeal. The Inspector in that case noted that four outbuildings were proposed, one of which was described as a 'two lane bowling alley' with a size of 342.8m². The appellant at that time had suggested that the alley would be used for skittles as opposed to bowls. The bowling green proposed in the current application is almost twice the size of the bowling alley previously put forward. Whilst I am mindful of the difference between bowls and skittles, little information has been put forward to indicate why a much larger building is 'required' as part of the current proposal when no such facility was seemingly required when the previous application was made in the summer of 2015.

13. Government guidance in relation to development within Class E is provided in the publication Permitted Development Rights for Householders - Technical Guidance (Department of Communities and Local Government, 2016) (the Technical Guidance). With regard to Class E, the Technical Guidance states: '.....the rules also allow, subject to the conditions and limitations..... a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen (my emphasis in italics)'.

14. In other words, if the use of a space was fundamental to the ordinary day to day functioning of the dwelling it would not be incidental but part of the primary accommodation. Within his statutory declaration, Mr Pritchard suggests that the large viewing screen in the cinema room would be used in the evenings 'almost every day' for the purpose of watching films and television, as an alternative to watching a smaller television in the lounge. To my mind, that suggests that the cinema room would, in effect, be used as an extension to the primary accommodation, very much like an additional lounge, as opposed to an incidental use. As such, it would fall outside the scope of permitted development rights granted through Class E.

15. I have noted that toilet and shower facilities have been removed from the proposed buildings further to the decision of the previous Inspector who commented that such facilities would not be incidental. However, the Inspector noted that the presence of the facilities was 'a point of relative detail when considering a scheme of this scale' and his decision to dismiss the appeal was clearly based on fundamental concerns regarding the scale of development proposed. In this case, the absence of toilet and shower facilities does not alter my view that the development would not be required for a purpose incidental to the enjoyment of the dwellinghouse.

16. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful

development was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

4/01629/16/OUT

MR SWIERK

OUTLINE APPLICATION FOR THE DEMOLITION OF THE EXISTING DWELLING (11 COVERT CLOSE) AND THE DEVELOPMENT OF A BLOCK CONTAINING 6 FLATS (4 X 2-BEDROOM, 2 X 3-BEDROOM) PLUS PARKING AND COMMUNAL AMENITY SPACE.

THE CHILTERNES, 11 COVERT CLOSE, NORTHCHURCH, BERKHAMSTED, HP4 3SR

[View online application](#)

Appeal dismissed:

Whilst the principle of the density of the scheme may not be inappropriate within the surrounding area, the density of the proposal has led to the size of development proposed.

The proposal would cause harm to the character and appearance of the area and it is thus not the sustainable development for which there is a presumption in favour of. In reaching this conclusion I have borne in mind the guidance within the Framework that planning should always seek to secure high quality design, and that good design is a key aspect of sustainable development.

A shortfall of 2.5 spaces is not significant in this context, when considering that the parking standards are stated to be maximum, and the residential nature of the surrounding streets. These streets have no parking restrictions upon them.

4/04008/15/FUL

MR & MRS M GLASSER

CONSTRUCTION OF NEW DWELLING ADJOINING EXISTING MOTOR HOUSE (REVISED SCHEME)

THE OLD COWHOUSE, 7 TRING ROAD, WILSTONE, TRING, HP234NU

[View online application](#)

The appeal is dismissed.

The application relates to the part demolition of a garage and the erection of a large 4 bedroom dwelling in the grounds of a large bungalow. The site falls within the Wilstone Conservation Area but outside the identified village boundary in the Rural Area. The key issues relate to the impact on the Conservation Area and whether the development would harm the countryside.

Although there is no Conservation Area Appraisal for Wilstone, the Inspector considered the location of the conservation area boundary, encompassing the garden of the bungalow, to be significant and that it was reasonable to conclude that at the time of designation this was considered to make a positive contribution to the character and appearance of the area.

The Inspector considered that the proposal would introduce a substantial built element into the appeal site which would diminish its openness and that of its wider garden setting. The proposed dwelling would be close to no. 17 The Mill and the double garage adjoining it, forming a dense cluster of buildings at that point which would exacerbate this harmful effect. The proposed development would therefore be seen as an encroachment of the more developed part of the village north and west into its open setting, and would thereby harm its rural character.

In terms of design, the Inspector considered the dwelling to be relatively bulky and in terms of its arrangement of built form and roofline towards the Mill to present a rather fussy and over-complicated structure which would exacerbate its intrusive effect of the open setting of the Conservation Area.

Whilst providing an additional dwelling, the Inspector nevertheless considered that the proposal would provide little public benefit to offset the harm to the Conservation Area, noting that Wilstone was not a particularly sustainable location.

The Inspector therefore concluded that there would be harm to the Wilstone Conservation Area, contrary

to Policies CS27 and saved Policy 120.

With regards to the Rural Area, the Inspector noted that the appeal site lies outside the village envelope and, being mindful of the conclusions of the Inspector in the Rosendale appeal decision which was brought to his attention, concluded that as a rural site on the edge of the settlement it could reasonably be considered as not being in a built-up area. In which case the site falls within the definition in the NPPF of 'previously developed land' and the reuse of such land is encouraged, provided it is not of high environmental value. Notwithstanding this, the Inspector's view was that, due to its open and well greened nature, the appeal site is of high environmental value, which therefore outweighs any benefits arising from its re-use for the appeal proposal.

The Inspector concluded that there would be harm to the character and appearance of the countryside, and the proposal would therefore conflict with Policy CS7 of the CS.

Noting that this was not a generalised fear, the Inspector also considered that, if the appeal were to be allowed, it would be more difficult for the Council to resist similar development, and the cumulative effect on the rural character and identity of the village would as a result be harmful.

Having regard to the Council's Authority Monitoring Report January 2016, the Inspector gave little weight to the appellant's contention that the Council is unable to demonstrate an achievable 5 year housing land supply, and therefore paras. 14 and 49 of the Framework are not invoked.

F. ALLOWED

None



AGENDA ITEM:

SUMMARY

Report for:	Development Control Committee
Date of meeting:	2 February 2017
Part:	1
If Part II, reason:	

Title of report:	Recommended changes to Development Control Committee
Contact:	Graham Sutton, Portfolio Holder for Housing and Planning Sara Whelan, Group Manager
Purpose of report:	Decision to change the constitution, scheme of delegation and take recommendations to Cabinet and Council as required
Recommendations	To agree suggested changes to constitution, scheme of delegation take recommendations to Cabinet and Council as required
Consultees:	Jim Doyle, Group Manager Democratic Services Mark Brookes, Solicitor to the Council, Legal Governance Management Christopher Gaunt, Team Leader, Legal Governance Management Mark Gaynor, Corporate Director, Housing and Regeneration James Doe, Assistant Director, Planning Development and Regeneration
Glossary of acronyms and any other abbreviations used in this report:	DCC – Development Control Committee

Background

1. This report suggests changes to the running of the Development Control Committee. Some of these changes will require a change to the Councils

constitution, scheme of Delegation for Development Control Committee or further agreement in terms of committee cycle dates by Council.

2. The report has been written in consultation with the Chair of the Development Control Committee and the Portfolio Holder for Planning and Regeneration.

Recommended changes to constitution

3. The changes are summarised below, and discussion is welcomed at the Development Control Committee on 2 February 2017;
 - Ward members deputation time capped to a maximum 10 minutes
 - The committee meeting closes at 10pm or with a vote called by the chair a vote could be taken to carry onto 10:30pm. The meeting would absolutely close by 10:30pm and any agenda items left un heard would be deferred
 - Development Control Committee renamed to Development Management Committee
 - Remove need for Discharge of Condition applications to be called in to Committee as the Local Planning Authority can be penalised for delaying the determination of these applications
 - Remove ability of prior notification applications, to be called to Committee. These applications have a deemed consent, set out by a national grant of planning permission and strict timescales which if exceeded the proposal would benefit from deemed consent. Hence, if caught up in a committee timetable may benefit from deemed consent by default
 - Introduction of a Members Briefing held every four weeks, which reviews applications currently called into DCC. The Chair, Vice Chair and up to three other DCC Councillors (minimum of three and maximum of five Councillors) would review Council own applications with no objections and not major proposals and applications with an objection from the Town and Parish Councils and confirm whether they should go to DCC or recommend they are dealt with at delegated level
 - Clarify the position that Ward Members can call in applications, 28 days from first public consultation commencement (not from any re-consultation), call-ins need to be in writing and if an officer is recommending refusal the application would not need to be presented to DCC. If a Ward Member considers they want to call an application in which relate to amended plans they should contact the Group Manager and/or Assistant Director within 14 days of the amended plans public consultation starting, who can refer an application to the Committee

- Enforcement items (2.3.3 and 2.3.4 of the constitution) should be changed so that any prosecutions, injunctions, stop notices or temporary stop notices can go ahead with sign of from Group Manager or Assistant Director, rather than needed a decision at Committee. The withdrawal or variation of earlier DCC decisions would remain. A quarterly update report would be presented to the Committee. This will expedite enforcement work and bring us more in line with other Hertfordshire authorities, six of whom already have delegated powers to prosecute.

Recommendation to reduce frequency of meetings

- Paragraph 2.2.2 of the constitution sets out that the DCC shall meet in accordance of the cycle of meetings approved annually by Council. For calendar year Jan 2016 – Dec 2016 we had seventeen DCC meetings scheduled (once every three weeks). Two of these were cancelled, as we did not have enough applications to make meeting worthwhile and of the fifteen meetings that were held, four had six or less cases. I am suggesting that we schedule a meeting in every four weeks, which would allow for twelve sessions a year. If more are needed then an emergency DCC meeting could be booked in diary as and when needed (Please see appendix A for suggested Committee dates from May 2017 – May 2018).
- It would be more efficient for Officers and Councillors to get through the same amount of business in fewer meetings, in terms of preparation and attendance of reduced number of meetings. This would save officers time organising an agenda, speakers and minutes etc. of the meetings. In terms of supporting this change, I would suggest that briefings for large-scale majors are arranged a week before committee so that details of a large scale proposal can be absorbed before the meeting. If cases were not heard before 10:30pm they would be deferred to the next committee.
- This recommendation if agreed by DCC would be presented to Council as an amendment to the agreed diary dates (recently approved at 18 Jan Council).

Suggested dates May 2017 – May 2018

2017 (Thursday 7pm start)

25 May (allows week break following 17 May Council and confirmation of Committee)

15 June

13 July

17 August

14 September (requires rescheduling of Member Development to 7 September)

12 October

16 November

14 December

2018

18 January

15 February

15 March

12 April

24 May (allows week break following 16 May Council and confirmation of Committee)

Agenda Item 8

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

Document is Restricted