



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

THURSDAY 16 MARCH 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 Matthews
Councillor Guest (Vice-Chairman)	Councillor Riddick
Councillor Birnie	Councillor Ritchie
Councillor Clark	Councillor Whitman
Councillor Conway	Councillor C Wyatt-Lowe
Councillor Imarni	Councillor Fisher
Councillor Maddern	Councillor Tindall

For further information, please contact Katie Mogan 01442 228221 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 declare their interest at the beginning of the relevant agenda item and it will be noted by the Committee Clerk for inclusion in the minutes.

4. PUBLIC PARTICIPATION

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

Time per speaker	Total Time Available	How to let us know	When we need to 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 OF APPLICATIONS

- (a) 4/02833/16/MFA - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF SEVEN HOUSES AND ONE LIVE/WORK UNIT WITH ASSOCIATED PARKING AND ACCESS ARRANGEMENTS - VICTORY HOUSE, WILSTONE BRIDGE, TRING ROAD, WILSTONE, TRING, HP23 4PQ (Pages 5 - 51)

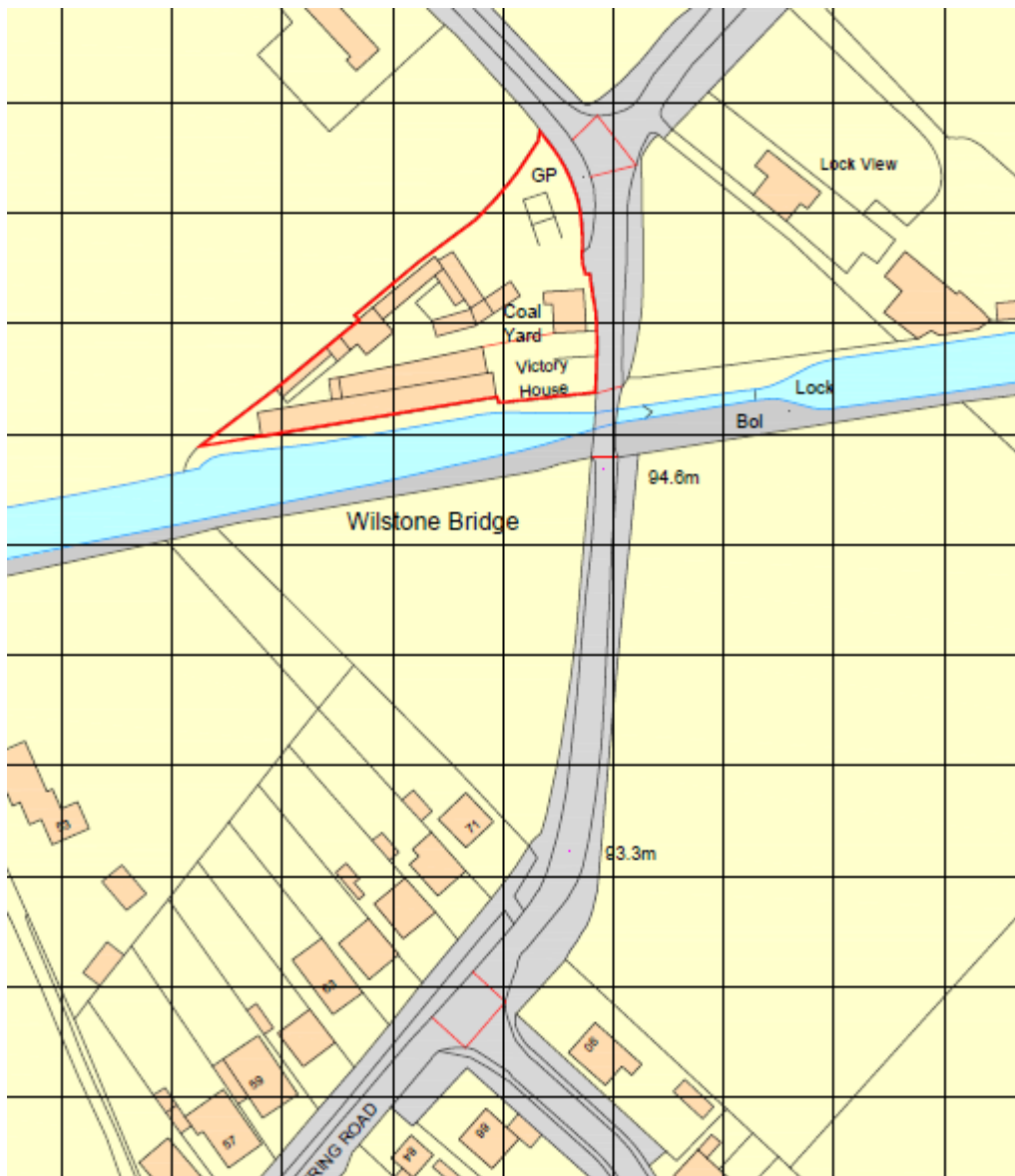
- (b) 4/02294/16/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW DWELLING WITH BASEMENT - BELLAVISTA, FELDEN LANE, HEMEL HEMPSTEAD, HP3 0BB (Pages 52 - 64)
- (c) 4/02569/16/FUL - CONSTRUCTION OF SCAFFOLD STRUCTURE TO STORE MATERIALS (RETROSPECTIVE) - HS SCAFFOLDING YARD, THREE CHERRY TREES LANE, HEMEL HEMPSTEAD, HP2 7HN (Pages 65 - 75)
- (d) 4/03035/16/FUL - DETACHED THREE-BED BUNGALOW TO REAR - 8 ST ALBANS HILL, HEMEL HEMPSTEAD, HP3 9NG (Pages 76 - 99)
- (e) 4/03127/16/FUL - REPLACEMENT DWELLING - POOKS HILL, GOLF CLUB ROAD, LITTLE GADDESSEN, BERKHAMSTED, HP4 1LY (Pages 100 - 121)
- (f) 4/03444/16/FHA - TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, EXTENDED DRIVEWAY, REPLACEMENT GARAGE ROOF AND ENLARGEMENT OF FRONT PORCH - 16 BARTEL CLOSE, HEMEL HEMPSTEAD, HP3 8LX (Pages 122 - 132)
- (g) 4/03266/16/ROC - VARIATION OF CONDITIONS 5 (HARD SURFACING MATERIALS - CHANGE OF AMENITY AREA TO CAR PARKING) AND 18 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION
4/00779/15/MFA (DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING) - ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XH (Pages 133 - 148)

6. APPEALS UPDATE (Pages 149 - 152)

Item 5a

4/02833/16/MFA – DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF SEVEN HOUSES AND ONE LIVE/WORK UNIT WITH ASSOCIATED PARKING AND ACCESS ARRANGEMENTS.

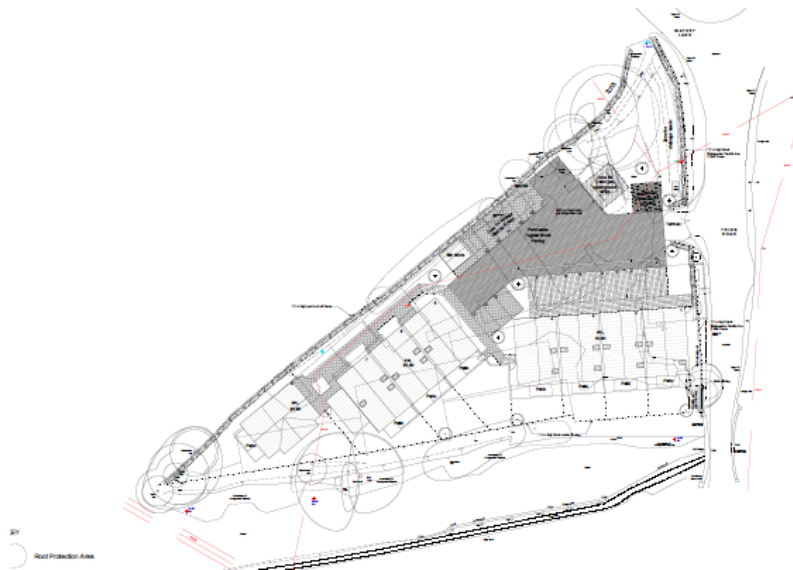
VICTORY HOUSE, WILSTONE BRIDGE, TRING ROAD, WILSTONE, TRING, HP23 4PQ



Item 5a

4/02833/16/MFA – DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF SEVEN HOUSES AND ONE LIVE/WORK UNIT WITH ASSOCIATED PARKING AND ACCESS ARRANGEMENTS.

VICTORY HOUSE, WILSTONE BRIDGE, TRING ROAD, WILSTONE, TRING, HP23 4PQ



4/02833/16/MFA - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF SEVEN HOUSES AND ONE LIVE/WORK UNIT WITH ASSOCIATED PARKING AND ACCESS ARRANGEMENTS.

VICTORY HOUSE, WILSTONE BRIDGE, TRING ROAD, WILSTONE, TRING, HP23 4PQ.

APPLICANT: BrayBeech Homes.

[Case Officer - Tineke Rennie]

Summary

The application is recommended for approval. The proposed development provides residential accommodation in the form of seven dwellings and one live/work unit on a brownfield site adjacent to the Grand Union Canal. The proposal is considered to constitute a quality development with an appropriate design response to its canalside and rural environment. The proposed development will improve the appearance of this previously developed derelict site and enhance views to and from the canal. A good standard of living accommodation is provided for future occupants.

Site Description

The site is a triangular shaped site bounded to the south by Grand Union Canal at Wilstone Bridge and to the east by Tring Road just before the junction with Watery Lane. The site is located within the Rural Area just outside the boundary of the village of Wilstone. The village is located south of the canal, separated by a parcel of operational land owned by the Canal and River Trust.

The site comprises Victory House, a two storey detached dwelling constructed after the war, and 14 outbuildings some of which are more structurally sound than others. The buildings range in height from single to two storeys; some are predominantly open and others fully enclosed. The buildings appear to have been associated with the historic use of the site as a coal yard, poultry farm and as a depot for the storage of materials (coal, hay, soot, straw and manure) transported by canal boats to and from London and Birmingham.

The site originally accommodated a wharf and the wharfinger and lock keepers cottage. An additional 'cut' into the north bank of the canal is shown in 1877 to accommodate barges and a range of structures such as animal pens. In 1901 the site was occupied by an egg and poultry dealer and later a hay and straw dealer. The site was taken over in 1910 and used as a coal dealership until the mid-1990's with Victory House replacing the original canal workers cottage between 1918 and 1924. At that time the canal was narrowed to its current width. The current layout of the site appears to have been in place since 1979.

Access to the site is from an entranceway just to the north of Victory House. The access drive extends towards the western corner and an area of hardstanding exists to the west of the dwelling. The site is predominantly covered in outbuildings and hardstanding with overgrown vegetation along the boundaries, between the buildings and within the western corner.

Wilstone Bridge, located to the south-east of the site provides vehicular and pedestrian traffic over the canal to the village of Wilstone. It is constructed in brick and is a Grade II listed building with a 10T weight restriction. It is understood that buses and heavy vehicles use the bridge further to the east over Wingrave Road to access the site and village rather than Wilstone Bridge due to this weight restriction. The junction with Astrope Lane is located to the northeast of the site. The canal towpath is located on the southern side of the canal and provides pedestrian access to the village.

The land to the north and northeast of the site is predominantly open fields with the dwelling Goodspeeds separated by a field to the north and a bungalow Lock View located opposite Tring Road to the east.

Proposal

The proposal seeks to demolish the existing dwelling and all buildings on the site to make way for redevelopment comprising seven new dwellings and one live/work unit. The existing access will be retained with an area of paving opening out within the northern part of the site providing access to parking for the units and the bin store area. A terrace of three x 3-bed dwellings will be positioned perpendicular to the canal at the eastern end of the site; a terrace of three x 4-bed dwellings with one live/work unit will be positioned in a more angular layout in response to the northwest boundary of the site. A detached 4-bed dwelling is proposed within the western apex of the site.

The work component of the live/work unit comprises a single storey lean-to located to the west of the dwelling with a total area of 21m². It has independent access and would share a WC with the dwelling.

Vehicle access is confined to the area adjacent to the entrance with pedestrian access only to the dwellings in the west half of the site. The dwellings will all be set back slightly from the canal with areas of private amenity space for each dwelling located between the dwellings and the canal.

A strip of land exists adjacent to the site on its southern boundary which is owned by the Canal and River Trust. The applicant is entering into an agreement with the Canal and River Trust in relation to obtaining a 21 year licence to maintain this strip of land. Maintenance will become the responsibility of a Management Company in association with the proposed development. This will enable future occupants to benefit from this open strip of land and have control over its future maintenance.

The design of the dwellings is based on a modern warehouse/industrial style featuring shallow pitched roofs with low eaves heights and balconies at first floor. The buildings are to be constructed in yellow stock brickwork at ground floor with cedar board and graphite cladding. Graphite grey standing seam zinc roofs are proposed.

Following discussion with Conservation and Design, the proposals include details of a retaining wall beyond the Wilstone bridge abutment together with a safety railing to provide security for pedestrians walking over the bridge.

Referral to Committee

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

Planning History

None.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development
CS7 - Rural Area
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 21, 23, 57, 58, 99, 106.
Appendices 3, 5.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006).
Landscape Character Assessment (May 2004)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Tring Rural Parish Council

Tring Rural Parish Council wishes to object to the plans to develop, with the present plans, Victory House, Wilstone. Our reasons for objecting are the modern warehouse look, with the roofs especially, is not in keeping with the village. We need smaller - lower end of the market for people who live and grown up within the parish, that is 1 or 2 bedroom starter homes.

Conservation and Design

Comment

Victory House has been the site of canal related structures for some time. This originally appears to have been constructed for the lock keeper and a short cut can be seen on the early photos which resulted in a widening of the canal at this point. The structure was used for agriculture but taken over in 1910 and used as a coal dealership until the mid-1990's. Victory House replaced the original canal workers cottage between 1918 and 1924. At that time the canal was narrowed to its current width. In general the other buildings appear modern and of lesser interest. There are two small brick sheds which appear to be of 19th century date.

Overall these buildings have some interest but we would not consider that they would be

locally listed. Therefore we would not object to their demolition. It may be useful to record victory house and the older 19th century brick buildings and submit a copy of this to the Hertfordshire HER.

The other heritage asset nearby is the listed canal bridge and associated lock. This structure is grade II listed and would appear to have been constructed at the time the canal was built. The proposed new development would be within the setting of the bridge and the lock as it would be adjacent to the site. The bridge gains significance mainly from its architecture and materials but also from its surroundings. The majority of the significance of the bridge is gained from the canal whilst a low level is gained from its prominence in the rural setting. The significance of the locks is gained mainly from the surrounding canal however given the interaction with the lock keeper presumably having lived on the site some significance would be gained from the proposed site. There would from the historic records always appear to have been some form of development on this site in relation to the canal. The proposed development does not impact upon views of the bridge when examined from the tow path in both directions.

Having reviewed the proposals we would comment as follows:

The mass form and scale of the dwellings reflects both agricultural buildings and the warehousing/ industrial character of canal side developments. Although within a rural setting, this site would appear to have had some use over a long period of time connected to transporting goods along the canal. As such we believe that the mass and form is acceptable. The design is of its time. We believe that this is an appropriate response to the setting and the significance of the site. A pastiche form of canal warehousing would be detrimental and harm the understanding of the site and the adjacent canal structures as such we believe that the modern interpretation is the best way to proceed. As such we believe that the proposals would be acceptable.

The only area we would recommend minor alterations would be to the boundary treatments. The rebuilding of the retaining wall adjacent to the bridge needs to be detailed to ensure that it would not cause harm to the setting of the listed bridge. It would also be recommended that the boundary treatment here be a more robust canal warehouse style perhaps similar to the canal house site in Nottingham. It would also be questioned if estate fencing would be appropriate to the rest of this roadside. Given that the area above the entrance is to be a green space it may be better to have a post and rail fence to match the boundary treatment to the field with hedging.

The other concern with the boundary treatment is to the canal side. We would accept that the estate fencing to sub divide the plots although it may be advantageous to plant native species hedging adjacent so that it grows up around the features. However given that the boundary is to the area adjacent to the canal it could be left open. As a general point within the area we would recommend that permitted development rights are removed to prevent the erection of sheds greenhouses etc to allow the space adjacent to the canal to stay as an open space.

Recommendation In general we would support the proposals and recommend approval. External materials and finishes should be conditioned both for the buildings and the hard landscaped area. However the boundary treatment should be reviewed and further details be submitted for the works being proposed adjacent to the listed bridge so that we can ensure that there would not be harm to the setting of the heritage asset. Victory house and the 19th century outbuildings should be recorded and a copy of this record deposited in the Hertfordshire HER.

Further comments received on 15.02.2017:

Comment

These comments should be read with the previous comments submitted 17/11/2016. We

believe that the proposals have moved forward in a positive manner and that our concern with regards to planting and fencing of the site is now acceptable. Further details in relation to the works adjacent to the road have also been provided and these are acceptable. We would therefore support the proposals.

Recommendation

In general we would support the proposals and recommend approval. External materials and finishes should be conditioned both for the buildings and the hard landscaped area. Victory house and the 19th century outbuildings should be recorded and a copy of this record deposited in the Hertfordshire HER. It would be recommended that permitted development rights be removed to protect the setting of the listed building and the views from the canal to the site.

Hertfordshire 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:

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 conditions and informatives below

CONDITIONS

1. Visibility splays of not less than 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the altered access onto Tring Road, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. To achieve these splays the vehicle access is to be moved further north along Tring Road. Construction work shall not commence the applicant has demonstrated that the required visibility splays can be achieved by means of detailed scaled drawings showing the new access arrangements and visibility splays, to be submitted to and subsequently agreed in writing by the Local Planning Authority.

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. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. 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. 6. 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.

7. The development shall not be brought into use until the new vehicle crossover has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

5. The proposed car parking spaces must have sufficient manoeuvring space to ensure all vehicles, including service and emergency vehicles, can enter and exit the site in a forward gear. This must be demonstrated by appropriate swept path analysis diagrams, to be submitted to and subsequently agreed in writing by the Local Planning Authority

Reason: The above condition is required to demonstrate that an acceptable standard can be achieved.

7. All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

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

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-

<https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

COMMENTS

This application is for Demolition of existing buildings and construction of eight houses with associated parking and access arrangements

ACCESS

There is an existing access onto Tring Road. In section 6 of the application form, the applicant states that no new or altered vehicle access is proposed. However, document 453416-PEP-00-XX-DR-D-1100 shows a new access subject to a 278 agreement. No details of this new access have been provided; however the applicant is required to provide a detailed plan with the vx0 relocated northwards, showing that the required vehicle inter-visibility from the altered access to 0.6m above the brow of the bridge is achievable.

Tring Road is an unclassified local access road, with derestricted speed limit in the vicinity of the proposed development. There have been no collisions resulting in personal injury in the last 5 years. PARKING

Document 453416-PEP-00-XX-DR-D-1100 shows a total of 16 proposed parking spaces. No disabled spaces are shown; however, there are two visitors spaces proposed. Ultimately, the local authority will determine the level of off street parking this site should provide in accordance with their local plan.

TRIP RATE

The highway authority has no objection in principle to the proposed development, since the overall trip movement from a disused coal depot to residential use will be lower overall.

REFUSE AND EMERGENCY VEHICLE ACCESS

The applicant has failed to show that the internal layout will allow emergency vehicles to enter and leave the site in forward gear. Swept path analysis diagrams are required to show that service and emergency vehicles have adequate turning space to be able to enter and leave the development in forward gear.

No information has been supplied regarding arrangements for the storage and collection of refuse. Details of refuse storage and collection must be supplied

CONCLUSION

If the local planning authority is minded to grant planning permission then the highway authority would respectively ask that they include the above requested conditions/informative to any decision notice they grant.

Further comments were received from Highways on 09.01.2017:

Amendment

Transport consultant asked that condition 1 requiring access to be moved be reconsidered by highway authority since to do so would be likely to create more conflicts.

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 43m shall be provided, and thereafter maintained, in both directions from the access onto Tring Road, as shown in principle on drawing 453416-PEP-00-GL-DR-1300 Revision P02. Construction work shall not commence the applicant has demonstrated that the required visibility splays can be achieved by means of scaled drawings showing the access arrangements and visibility splays, to be submitted to and subsequently agreed in writing by the Local Planning Authority.

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. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. 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. 6. 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.

7. The development shall not be brought into use until the modified vehicle access has been constructed to the current specification of the Highway Authority and to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

5. The proposed car parking spaces must have sufficient manoeuvring space to ensure all vehicles, including service and emergency vehicles, can enter and exit the site in a forward gear.

Reason: The above condition is required to demonstrate that an acceptable standard can be achieved.

7. All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

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

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to

Highways (Telephone 0300 1234047) to arrange this, or use link:-
<https://www.hertfordshire.gov.uk/droppedkerbs/>

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 willfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

COMMENTS

This application is for Demolition of existing buildings and construction of eight houses with associated parking and access arrangements

ACCESS

There is an existing access onto Tring Road. Document 453416-PEP-00-GF-DR-D-1700 shows a modified access subject to a 278 agreement.

Tring Road is an unclassified local access road, with derestricted speed limit in the vicinity of the proposed development. There have been no collisions resulting in personal injury in the last 5 years.

PARKING

A total of 16 parking spaces will be provided, with one cycle storage space for each dwelling.

REFUSE AND EMERGENCY VEHICLE ACCESS

The applicant has demonstrated that the internal layout will allow emergency vehicles to enter and leave the site in forward gear, in the swept path analysis diagrams in document 453416-PEP-00-GF-DR-D-1700, therefore meeting the requirements of condition 5 above.

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.

HCC Property Services

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.

Trees and Woodlands

I have reviewed this application, note the as ever well detailed report from Patrick Stileman Ltd and am familiar with the site and surrounding area.

In my view there are no trees of particular note or historical significance either in the context of

the canal or surrounding landscape and none that should be a constraint to reasonable development.

The current trees are pleasant and the better rated ones are shown for retention. The site as currently seen is reminiscent of days now passed and may be seen as rather pleasant in this quiet part of Dacorum. However times change as do demands on land.

Accordingly this site, if granted permission, will change very significantly. I have looked through the submissions and can't see a landscaping scheme, this of course can be conditioned and we look forward to a landscape scheme that is both appropriate for the new site use but also reflects its location and former use next to the canal.

Hertfordshire Biological Records Centre

We do not have any biological records (species or habitats) for the application site itself. However the application site is adjacent to the Grand Union Canal (Aylesbury Arm) which has been ratified as a Local Wildlife Site (LWS). There are also cautious reports of otter under Wilstone Bridge, adjacent to the site.

The applicant submitted a bat roost assessment for the site which has concluded that there are no bats roosting in any of the buildings, but they do use the site for commuting and foraging. Other constraints highlighted by the ecological report include breeding birds and the aforementioned LWS. Both breeding birds and bats are protected under the Wildlife and Countryside Act 1981 (as amended) and bats are also listed under the Species and Habitats Regulations. As such these species are afforded protection from deliberate harm or disturbance. In addition due to the proximity of the LWS which will also act as an ecological corridor protection from both direct and indirect impacts must be in place prior to construction. I would therefore recommend that a Construction Environmental Management Plan (CEMP) which should include mitigation/ avoidance strategies for breeding birds and commuting bats, and protection fences for the LWS is **Conditioned** within any planning application. I would suggest the following wording is used.

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

A) Risk assessment of potentially damaging construction activities.

B) Identification of "biodiversity protection zones".

C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

D) The location and timings of sensitive works to avoid harm to biodiversity features.

E) The times during which construction when specialist ecologists may need to be present on site to oversee works.

F) Responsible persons and lines of communication.

G) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Environmental Health

The Environmental Health Department advises that any permission which the Planning Authority may give shall include the conditions below:

1. Building work and all related activities on the site, including deliveries and collections shall only take place between 7-30 am and 6-30 pm on weekdays (Monday to Saturday inclusive) and no work shall take place on site on Sundays or Bank Holidays.
2. No waste material, wood or other material shall be burnt on site at any time.

Contaminated Land Officer

I write further to Olayinka's memo dated 11 November 2016 and your email to me dated 13 December 2016, attaching the following report. I apologise for the delayed response:

- Geo-Environmental Report; Document Reference: 20653R1; Issue B; WDE Consulting Limited; October 2016

The report states that the current proposed redevelopment is to comprise eight residential dwellings with associated private gardens and parking.

In terms of the site description and walkover observations, the report states that a two-storey residential was situated in the eastern side of the site with a number of brick-built outbuildings,(in a poor state of repair) running along the northern boundary. There was also a wooden ex-coal storage structure situated to the west of the residential dwelling. This structure was in a dilapidated condition, clad in asbestos sheeting/roofing. Fragments of asbestos cement roofing were observed over the site in poor condition. An active septic tank and a 2,500 litre (approximate) LPG tank were situated in the northern portion of the site. The hardstanding tarmac and concrete present were in a poor state of repair. The southern boundary of the site is bounded by the Grand Union Canal. No visual evidence of contamination (i.e. surface staining) was noted on-site.

Anecdotal evidence revealed that the site used to be a coal yard, which was supplied from the adjacent canal. The outbuildings were previously used to house livestock.

Published geological information indicates the site to be underlain by Chalk (West Melbury Marly Chalk Formation and Zig Zag Chalk Formation) with superficial deposits of the Head Formation (Clay, Silt, Sand and Gravel) overlying the bedrock. The bedrock has been designated a Principal Aquifer, whilst the superficial deposits have been designated a Secondary Aquifer. The site does not lie within a Source Protection Zone. The nearest surface water body is the Grand Union Canal to the immediate south of the site; this is unlikely to be hydraulic continuity with the site due to its clay lining. A primary river is situated 207 metres west of the site.

A review of available environmental database information, has noted the following features within influencing distance of the site:

- Potentially infilled land within a 250 metre radius of the site:
 - Canal (1882, 1898, 1923, 1926, 1950) - on-site
 - Pond (1877, 1897, 1926, 1956) - 2 metres to the northwest
 - Disused Canal (1979, 1995) - 5 metres to the south
 - Sewage Works (1979, 1995) - 205 metres to the south
- One electricity substation located 174 metres to the south
- One Part B installation (H&I Glasser Ltd – Pet food/rendering/animals/plant treatment processes - historic) located 208 metres to the south
- Two pollution incidents to controlled water within a 250 metre radius:

- Oils and Fuels (Diesel) located 120 metres to the southwest
- Sewage Materials (Crude Sewage) located 225 metres to the south
- Three licensed discharge consents within a 250 metre radius:
 - Victory House - sewage discharges (on-site)
 - Loch View - sewage discharges (40 metres to the northeast)
 - Wilstone Vicarage – sewage discharges (145 metres to the northwest)
- Two historical potentially contaminative uses within a 250 metre radius:
 - Disused Canal (1979 and 1995) – 5 metres to the south
 - Sewage Works (1979 and 1995) – 205 metres to the south
- One historical electricity substation located 183 metres to the south (1971 – 1995).

The historical map review indicates that in 1877, there were approximately nine unlabelled structures on-site. The canal appears to cut into the southern boundary of the site. By 1899, more buildings had been constructed on-site (approximately fifteen in total); by 1924, this number had reduced to five. The 1971 map edition identifies approximately ten structures on-site, which were labelled as a Coal Yard and Victory House. By 1990, two further buildings had been constructed along the north-western boundary. By 2002, the site layout resembled that of the present day. In terms of the surrounding area, the earliest map edition (1877) identified a road running along the eastern boundary and the Grand Union Canal along the southern boundary. Three ponds were located approximately 200 metres to the north, 160 metres to the west and 120 metres to the south. A river, (running northwest to southwest), was identified approximately 200 metres away. A small residential area lay to the south. No significant changes were noted until the 1971 map edition, when an electricity substation was noted approximately 180 metres to the south. The pond in the south was no longer present. There was also residential expansion in the south. By 1980-1981 a sewage works was located approximately 210 metres to the southwest. By 1990, there was further residential expansion in the south. No further significant changes were noted from this map edition to the present day.

The preliminary risk assessment identifies the following potential sources of on-site and off-site contamination:

On-site:

- Historical Coal Yard
- Septic tank
- Historical Made Ground (potentially present from historical buildings)

Potential contaminants include: hydrocarbons (TPH, BTEX, PAH), heavy metals, inorganics and asbestos.

Off-site:

- Electricity substation
- Historical sewage works
- Potentially infilled land
- Part B activity
- Pollution incidents
- Discharge consents

Potential contaminants include: hydrocarbons (TPH, BTEX, PAH), heavy metals, inorganics, asbestos and ground gas.

The preliminary conceptual site model has identified the following plausible pollutant linkages:

- A moderate risk to human health (on-site residential) associated with on-site sources of contamination via dermal contact, ingestion, outdoor and indoor inhalation and the

consumption of home grown produce.

- A moderate/low risk to human health (off-site residential) associated with on-site sources of contamination via vapour inhalation from dissolved phase contaminants in groundwater migrating from site to neighbouring properties.
- A moderate risk to controlled waters (groundwater) associated with on-site sources via impacted soil leaching to groundwater within the Principal Aquifer.
- A moderate risk to controlled waters (surface water) associated with on-site sources via impacted soil leaching to groundwater and migration to surface water.
- A moderate/low risk to human health (on-site residential) associated with off-site sources via vapour inhalation from dissolved phase contaminant migration from off-site sources.
- A moderate/low risk to human health (on-site residential) associated with ground gas generation from historically infilled land via inhalation of organic vapours and ground gas.

The geo-environmental aspects of the fieldwork comprised the drilling of five exploratory holes (BH1, BH2, BH3, WS1 and WS2) to a depth of between 5.00 and 6.00mbgl and the excavation of three trial pits (TP1, TP2 and TP3) to a maximum depth of 2.5mbgl. Monitoring wells were installed in BH1, BH2 and BH3 for subsequent groundwater and ground gas monitoring. BH1 and WS2 were positioned to target the coal yard and septic tank respectively. All other exploratory holes were positioned to provide general site coverage. The investigation was limited to external areas due to access issues and suspected asbestos panels in a poor state of repair identified within the structures.

The ground investigation identified topsoil/concrete in BH2, WS1, WS2, TP1, TP2 and TP3, which was proven to a maximum depth of 0.20mbgl. Made ground was found in all locations (either beneath the topsoil/concrete or from ground level) to a maximum depth of 1.30mbgl. BH1 and BH2 contained black coal ash fill. Gravelly clay was observed in all locations to a maximum depth of 2.20mbgl. Clay was also observed in all locations except BH3 (silty clay). The clay was proven to a maximum depth of 6.00mbgl. Groundwater was encountered between 1.50 and 3.50mbgl during the intrusive investigation, with the exception of BH3 (not encountered). No significant visual or olfactory evidence of contamination (in soils or groundwater) was noted during the investigation. One round of ground gas monitoring was undertaken (on 29 July 2016). The results are summarised below:

- O₂ ranged from 17.5 to 20.3%v/v
- CO₂ ranged from 0.4 to 2.1%v/v
- No CH₄ or H₂S was identified
- CO ranged from 2 to 15ppm
- Flow rate ranged from -0.0 to 0.1l/hr.
- Atmospheric pressure was 1001mbar

Seven soil samples were subjected to laboratory analysis for the following parameters:

- Asbestos
- Total phenols
- Total cyanide
- Heavy metals
- BTEX
- MTBE
- Speciated PAH
- Speciated TPH

Concentrations of contaminants were assessed against generic assessment criteria, primarily the LQM S4ULs, and the case of Lead, the C4SL. In the absence of any UK published GAC,

the detection limits were adopted. A residential with home-grown produce end use has been utilised. The screening exercise identified the following exceedances of the adopted GACs:

- Benzo(a)anthracene (GAC - 7.2mg/kg): BH3.1 at 0.20mbgl (12mg/kg)
- Benzo(b)fluoranthene (GAC - 2.6mg/kg): BH3.1 at 0.20mbgl (14mg/kg)
- Benzo(a)pyrene (GAC - 2.2mg/kg): BH3.1 at 0.20mbgl (13mg/kg)
- Diben(a,h)anthracene (GAC - 0.24mg/kg): BH3.1 at 0.20mbgl (1.6mg/kg).

Three groundwater samples were subjected to laboratory analysis for the following parameters:

- pH
- Total phenols
- Total cyanide
- Heavy metals
- BTEX
- MTBE
- Speciated PAH
- Speciated TPH

Concentrations of contaminants in groundwater were assessed against the UK Drinking Water Standards (UK DWS) and UK Environmental Quality Standards (EQS). The detection limit has been used where no standard has been derived. World Health Organisation guidance has been adopted for TPH fractions in the absence of any UK published target value. The screening exercise identified an exceedance of the UKDWS for Lead from the sample taken from BH3 (0.026mg/l compared with the UKDWS of 0.01mg/l).

Gas screening values have been calculated for both CH₄ and CO₂, based on worst-case conditions recorded during the single round of ground gas monitoring. The screening values for both equated to Characteristic Situation 1, whereby no ground gas protection measures are deemed necessary.

Based on the findings of the intrusive investigation, the preliminary conceptual site model has been revised as follows:

- A moderate risk to human health (on-site residential) associated with on-site sources of contamination via dermal contact, ingestion, outdoor and indoor inhalation and the consumption of home grown produce. (No change in terms of risk rating following intrusive investigation).
- A low risk to human health (off-site residential) associated with on-site sources of contamination via vapour inhalation from dissolved phase contaminants in groundwater migrating from site to neighbouring properties. (Risk rating reduced from moderate/low to low).
- A moderate/low risk to controlled waters (groundwater) associated with on-site sources via impacted soil leaching to groundwater within the Principal Aquifer. (Risk rating reduced from moderate to moderate/low).
- A low risk to controlled waters (surface water) associated with on-site sources via impacted soil leaching to groundwater and migration to surface water. (Risk rating reduced from moderate to low).
- A low risk to human health (on-site residential) associated with off-site sources via vapour inhalation from dissolved phase contaminant migration from off-site sources. (Risk rating reduced from moderate/low to low).
- A moderate/low risk to human health (on-site residential) associated with ground gas generation from historically infilled land via inhalation of organic vapours and ground gas. (Risk rating reduced from moderate/low to low).

In reference to the elevated concentrations of PAHs identified within the upper 0.20m of Made

Ground in BH3, the report states that, as these as non-volatile contaminants, they can be managed via pathway control measures. In respect of the slightly elevated concentration of Lead within the groundwater, this is not considered to present a significant risk to end users and therefore no further actions are recommended. The report states that visible ACM is present on the surface of the Made Ground, which should be segregated via hand picking to prevent the Made Ground from being classified as hazardous for disposal purposes. The report recommends the preparation of a Verification Plan, which will specify the mitigation measures that will make the site suitable for the intended residential land use.

Comments:

- The main body of the report (including appendices A and B) was provided via email. The email stated that Appendix C was attached to Development Control's electronic filing system. The report makes reference to further appendices (D, E and F), which haven't been provided. Appendix D contains the borehole and trial pit log; appendix E contains the ground gas monitoring results, and appendix F contains the laboratory analytic certificates. Submission of appendices D, E and F are required in order for me to provide a thorough review of the report.
- The historical map review indicates that in approximately 1877 the canal cut into the southern area of the site, which appears to have been subsequently infilled. This feature has not been identified as a potential source of on-site contamination.
- The septic tank was identified as a potential source of on-site contamination, yet associated potential contaminants have not been identified and listed.
- The electricity substation was identified as a potential source of off-site contamination; however PCBs were not identified within the list of potential contaminants of concern. Despite this, I am satisfied that even if PCBs were to be present within the substation, its distance from site (well over 150 metres), coupled with their immobile nature within the soil would mean that any contamination would be localised and thus not affect the site. As such, I wouldn't consider the electricity substation to be a potential source of off-site contamination.
- The historical sewage works, a pollution incident (involving sewage) and discharge consents (also relating to sewage discharge) have been identified as potential sources of off-site contamination, yet associated potential contaminants have not been identified and listed. One of the discharge consents relates to Victory House, as such this would represent a potential source of on-site contamination.
- With the exception of the southern area of the site, the intrusive investigation has achieved good site coverage of accessible areas. The report states that BH1 and WS2 were positioned to target the coal yard and septic tank respectively. All other exploratory holes were positioned to provide general site coverage. The area of infilled canal within the southern area of the site was not identified as a potential source of on-site contamination within the preliminary risk assessment and as such, has not been targeted. The investigation was limited to external areas due to access issues and suspected asbestos panels in a poor state of repair identified within the structures. Consideration should be given to the possibility of undertaking further sampling within the previously inaccessible areas and also within the southern area of site to target the infilled canal.
- The historical map review indicates that in the past, anything up to fifteen buildings historically occupied the site. The report states that access was limited during the intrusive investigation, as such; it is likely that areas of contamination may have gone unidentified. Its use as a coal yard would indicate that likely contaminants would be PAHs, which as the report states, are non-volatile and able to be managed via pathway control measures (e.g. encapsulation beneath buildings and hardstanding, or a cover system within soft landscaped areas).
- Photograph 8 in Appendix B shows evidence of coal ash fill within BH1; however no contaminant exceedances were noted in the sample(s) analysed from this exploratory hole location. In the absence of the borehole and trial pit logs, I am unable to check that

the sampling strategy has targeted all strata exhibiting visual/olfactory evidence of contamination (e.g. a sample should have been taken from the coal ash fill material and sent for laboratory analysis). At present I am unable to establish the depth or thickness of this impacted stratum.

- The ground gas risk assessment appears to have been based on a single round of ground gas sampling only. In accordance with current guidance, a number of return visits are required over a specified period of time. Ideally the monitoring should demonstrate worse-case conditions with respect to ground gas generation (i.e. falling atmospheric pressure etc.) Further ground gas monitoring is required.
- I am in agreement with the report's recommendation for the production of a verification plan, specifying the required mitigation measures.

As further investigative works and remediation are required, I recommend that the two standard contamination conditions 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).

Environment Agency

Thank you for your last email and also for your consultation email received on the 26th of October regarding the above application, we cannot see that we have any comments to make on this application.

However we have noticed on the application form that the method for foul sewage disposal has been ticked as "Package treatment plant"

Please could you make the applicant aware that:

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

We can confirm that there is a main sewer network within 15m of the site and therefore the foul drainage should be connected to the main sewer.

Herts Fire and Rescue 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 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 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.

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.

Thames Water Comments

Waste Comments

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.

Package Treatment Works - Foul water for this development is not draining into Thames Water assets and therefore does not affect us.

Water Comments

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

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

Herts Lead Local Flood Authority:

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

The Surface Water & Foul Drainage Design and Maintenance Philosophy carried out by PEP reference 453416-PEP-00-XX-RP-D-6200 dated October 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;

3. Details regarding the receiving watercourse/ditch.

Overcoming our objection

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

The drainage strategy is based upon attenuation and discharge into ditch on the boundary of

the site, restricted to 5l/s. Attenuation will be provided onsite for the 1 in100 plus 40% climate change event through the use of permeable paving.

We note that the existing ditch discharges into culvert, we require further details of ditch to confirm its conditions and ensure that there is enough capacity for surface water run-off from the proposed development.

We note that there are no foul sewers within the vicinity. Therefore it is proposed to discharge foul water to an onsite sewage treatment plant. We would recommend the applicant to consult the Environment Agency in relation to the suitability of the proposed scheme.

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 Grand Union Canal in this location is classified as an Ordinary Watercourse. Therefore any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

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.

Further comments were received on 28.12.2016:

Following a review of the additional information provided via email from PEP Group dated 13 December 2016 satisfactorily addresses the points raised in our previous response dated 02 December 2016. We can confirm that we the Lead Local Flood Authority are now in a position to remove our objection on flood risk grounds.

The drainage strategy is based upon attenuation and discharge into ditch, reutilising the existing connection on the boundary of the site, restricted to 5l/s. Attenuation will be provided onsite for the 1 in100 plus 40% climate change event through the use of permeable paving.

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

LLFA position

Condition 1

The development permitted by this planning permission shall be carried out in accordance with

the approved The Surface Water & Foul Drainage Design and Maintenance Philosophy carried out by PEP reference 453416-PEP-00-XX-RP-D-6200 dated October 2016 and the following mitigation measures detailed within the FRA:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Implementing appropriate SuDS measures as shown on the Drainage Strategy drawing.
3. Undertake drainage strategy based on attenuation and discharge restricted at 5l/s and to include permeable paving.
4. Secure clearance works for existing ditches including any culverts and ensure that they shall be kept clear of any obstruction to maintain any surface water flow.

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

Reason

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

Condition 2

No development shall take place until a detailed surface water drainage scheme for the site based on the approved Drainage strategy and sustainable drainage principles 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 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

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

Informative to the LPA

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/>

Herts Historic Environment Advisor Comments

Please note that the following advice is based on the policies contained in National Planning Policy Framework (NPPF).

The site of the proposed development is on the north bank of the Aylesbury Arm of the Grand Union Canal, adjacent to Wilstone Bridge and Wilstone Bridge Lock. The present buildings on the site are of early 20th century and later date, but they replaced an early 19th century lock keeper's cottage and a canal-side wharf. The Aylesbury Arm of the canal was cut in 1813-14, and the cottage and wharf were built in direct association with it. No evidence of earlier use of the site has been identified, and the Heritage Asset Impact Assessment submitted with the planning application assesses its potential to contain archaeological remains (heritage assets) of medieval and earlier date as low. Its potential to contain post-medieval remains is however assessed to be high.

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:

The proposed development site possesses potential for the presence of heritage assets with archaeological interest. I therefore recommend that the impact of the proposed development on the historic environment should be mitigated in line with para 141 of the National Planning Policy Framework, and that the following provisions be made for a programme of archaeological works secured by a negative condition, should you be minded to grant consent:

1. A programme of archaeological evaluation (in the form of trial trenches) of the proposed development site – further to the demolition of the existing buildings at the site - before any development commences
1. And such appropriate mitigation measures indicated as necessary by the evaluation.
These may include:
 - a) the preservation of any archaeological remains *in situ*, if warranted;
 - b) the appropriate archaeological excavation of any remains before any development commences on the site;
 - c) the archaeological monitoring and recording of the ground works of the development (including soil stripping, services, services, landscaping, etc.) as appropriate (and also including a contingency for the preservation or further investigation of any remains then encountered);
 - d) the analysis of the results of the archaeological work with provisions for the subsequent production of report and an archive, and the publication of the results, as appropriate;
 - e) 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 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.

Waste Services Comments

I noticed that the vehicle dimensions used in the vehicle swept path prediction for a refuse vehicle are incorrect and our vehicles are typically 26 ton rigid freighters approx. 10m long and 3m wide with a height of 3.42m.

Houses will need a refuse storage area to contain 3 x wheeled bins and a food caddy and sufficient space to present them outside their boundary on collection day. Nearest the road used by the collection vehicle.

It is more difficult to predict the waste storage requirements of a commercial development but there should be sufficient space for 2 euro containers (1 residual and 1 recycling).

I noticed that the bridge is having work done to it so I wonder if there has been consideration to

the weight of our vehicles.

Strategic Housing Comments:

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

The site has been considered against the Affordable Housing Clarification Note and its location has been discussed with the council's Strategic Planning team.

The agreement is that the development falls outside of the defined 'rural area' but it is noted that the development will exceed the 1000sqm floor space threshold. On this basis under the Clarification Note, a commuted sum would be sought (see Figure 2b). Below is the methodology for calculating the financial contribution, which we send to any applicant who is looking at providing an off-site provision for a scheme.

1. The land value is divided by the total number of dwellings proposed; this will provide the land value per unit.
1. The affordable housing contribution applicable on the site is calculated by applying the Affordable housing percentage to the total number of units proposed.
1. The financial contribution is arrived at by multiplying the land value per unit by the number of affordable units that would have been required.
 - (Land value / No. of units) x (No. of units x AH percentage) = financial contribution required

It must be noted that any vacant building credit would be discounted against this figure.

Canal and River Trust Comments

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.

The main issues relevant to the Trust as statutory consultee on this application are the impact of the proposal on the waterway corridor, including the listed bridge.

On the basis of on the information available our advice is that suitably worded **conditions are necessary** to address these matters. Our advice and comments (*delete as appropriate*) are detailed below:

Design & Layout

The canal provides enormous opportunity to enhance the setting and value of the development and Policy 106 of the adopted Core Strategy states that development adjoining the Grand Union Canal will be expected to make a positive contribution to the canalside environment. As such, the design, scale and materials of new developments and canalside facilities must be appropriate to the environmental and historic character of the canal, and have no adverse impact on its nature conservation interest. Important views both to and from the canal should be retained.

The design, siting, configuration and orientation of buildings optimise views of the water and

generates natural surveillance of water space. The replacement of the derelict buildings and replacement by the proposed dwellings will improve the appearance of the site when viewed from the towpath, the canal bridge and from the water at boat level, and will therefore enhance the visual and environmental quality of the waterway corridor.

The application does not include the three metre strip of land adjacent to the canal, which is currently in the ownership of the Canal & River Trust (the Trust). It is unlikely that this land will be maintained at the level future residents may require, and therefore the applicants should consider including the strip within the application site and providing a comprehensive landscaping plan to maintain this land in the future. The land behind the gardens may become unkempt quickly leading to problems of litter and anti-social behaviour.

Landscaping & boundary treatment

There is a group of Ash trees on the rear boundary of the site which overhang the Canal and impede safe navigation. These trees should be removed during the site clearance as their future maintenance will become very difficult once the site has been redeveloped.

The illustrative plans show black 'estate fencing' although this does not appear to be detailed on any other plans. Further details of the rear boundary treatment should therefore be provided. Any changes to the treatment of the rear boundary in the future could have a detrimental impact on the character of the waterway and therefore we request that permitted development rights are removed to control alterations and replacement of this fencing in the future.

Wilstone Bridge

The proposal will result in increased vehicle movements over Wilstone Bridge, a Grade II Listed structure. Vehicles approaching the bridge from either side have limited forward visibility due to the nature of the bridge and any increase in traffic and turning movements near the bridge would be detrimental to the safety of all road users, including pedestrians and cyclists wishing to access regional route 66. Additional usage is likely to result in additional maintenance costs to the Trust due to additional damage from vehicle strikes.

Many of the bridges over the Aylesbury Arm have been subject to vehicle impact damage, with repairs to bridges costing several thousand pounds per strike. As part of this development we are considering requesting Section 106 funding for physical measures on the highway in order to reduce the likelihood of damage to the bridge. At present the bridge is single track with poor on-going visibility and no safe provision for pedestrians. Some form of improvement, such as traffic light controls, with a dedicated pedestrian option, would help protect users and offset the additional damage likely to be caused as a result of increased vehicle movements. We would request that the Highway Authority give consideration to whether additional protection is required to mitigate against the increased usage of the bridge with resultant possible impact costs. Other development along the Aylesbury Arm will be providing traffic light signals to overcome this issue.

Habitat and Ecology

The proposal shows the retention of the existing trees along the canal, which are outside of the applicants' ownership. As previously mentioned it may be preferable to include this area within the application site, thus allowing planting improvements and maintenance to take place, to the benefit of ecology. The planting in this area should maximise wildlife interest but at the same time not act as a barrier to views into and out of the site as the presence of housing will improve the natural surveillance of the canal environment.

We would suggest that further discussions take place between the applicant and the Trust regarding this land.

Archaeology

The proposals are considered to make a positive contribution to the setting of Wilstone Bridge (no. 3) and adjoining Canal Lock (no. 8) (both forming part of Grade II list entry no 1067803), albeit involving the loss of the organic character of the late 19th- and early 20th-century buildings currently standing on the application site itself. The Heritage Asset Impact Assessment by Icknield Archaeology considers the potential for the survival of any remains of the wharf and its buildings, including the wharfinger and lock keepers cottage ("Lock Cottage"), to be moderate.

Whilst some loss of buried fabric may have resulted from construction of Victory House (sometime between 1918 and 1924), it is arguable that the probability of some survival is high given that the Lock Cottage lay closer to the waterway. The Heritage Asset Impact Assessment recognises the important associational relationship between the wharf and the former Lock Cottage with the canal bridge and the status of the wharf and cottage as an integral component of the lock and the canal infrastructure at this point. It also convincingly asserts that any increased understanding of relationship between the lock, canal and wharf would contribute to understanding of the wider history of the Grand Junction Canal resulting in an enhanced level of significance being attached to the lock, bridge, wharf and the site of Lock Cottage.

Where groundworks are envisaged for construction of the proposed scheme, including topsoil stripping, excavations for foundations, services and hard and soft landscaping, with the footprint of the Lock Cottage, the applicant should be expected to make provision for a suitable programme of archaeological investigation in line with NPPF and Policy CS27 in Dacorum Borough Council Core Strategy. Evaluation trial trenching could be undertaken where access currently permits to assess the survival of buried remains of the Lock Cottage and associated structures.

In the likely event that remains survive, as full as possible archaeological exposure and recording of these structures should be undertaken. Alternatively, it may be appropriate, subject to access and agreement with the LPA's archaeological adviser, for the archaeological works to be undertaken in a single operation. This work could be required as a condition, but the applicant may wish to progress these investigations in advance of planning in the interest to expediting the construction programme.

Buildings 2 and 9 (numbering from Icknield Archaeology's assessment report) are most likely to have been associated with the Lock Cottage and wharf, since they pre-date Victory House. Given proposed demolition of all existing buildings, it would be reasonable to require Level 2 historic building survey (including interior as well as exterior) of these buildings as well as Victory House itself, particularly as internal access to Victory House was not possible for the historic asset impact assessment.

Accessibility

The Trust has been working closely with Bucks County Council and Aylesbury Vale District Council to secure improvements to the towpath of the Aylesbury Arm of the Grand Union Canal. Several lengths will shortly be improved as a result of S106 contributions from two development schemes to the East, the Arla Dairy site and the Aylesbury Eastern Extension. Our joint intention has been to improve accessibility for pedestrians and cyclists from the east of Aylesbury into the heart of the town and along the towpath to the Tring Reservoirs as a recreational route. The Aylesbury and Wendover Arms of the Grand Union Canal are part of the Grand Union Triangle and as such there is a joint desire between the relevant Councils to improve usage and public accessible. Whilst this application falls within the remit of Dacorum Council and Herts CC it is hoped that a similar approach will be followed to ensure that the

Grand Union Triangle can become a prime example of fully accessible, cross boundary, sustainable Green Infrastructure.

The Canal & River Trust normally seeks contributions from any development alongside the canal which is likely to result in increased usage of it, to widen and resurface the towpath where necessary or provide enhanced links to it, not only to serve new development but for the benefit of the wider population by improving the green travel network in general. This is in line with our aims to promote sustainable development in the vicinity of the waterway for the public benefit by improving accessibility and public access to the waterways.

We believe that in this case it may be more appropriate to consider a contribution towards improving access to the canal, rather than the towpath itself due to the relatively small number of houses and the characteristics of the bridge leading to the canal towpath.

Suggested accessibility improvements

In this instance the Trust wishes to applicant and highway Authority to consider the need to improve highway safety at Wilstone Bridge. We would suggest that the provision of road markings and, if possible, narrowing of the carriageway to provide a pedestrian route or a traffic light priority system will slow vehicle speeds and help to alleviate bridge strikes on the listed bridge. Further investigation and discussion should take place with the Highway Authority to determine the most suitable method of improving both pedestrian and vehicular safety on the bridge. A similar proposals installed elsewhere on the waterway network have been priced at £20,000- £30,000.

Whilst this figure may seem high for a relatively small number of units the increase in value afforded to the dwellings as a result of their waterside location will far exceed this as national studies have shown an uplift in value of up to 20 % for dwellings with a waterside view and up to 10% for other dwellings within the development but not directly facing the water.

The cost of this improvement can be can be determined following a detailed survey of the bridge and following further discussions with the Case Officer and Highway Officer. If the Highway Authority are supportive of this request the Trust will provide a further justification for the request including details of supporting policies.

Conditions & informative

If the Council is minded to grant permission for this proposal, we would wish to ask for the following conditions to be imposed.

Pre-commencement conditions

This condition is required as pre-s commencement condition to prevent damage and pollution during the site clearance and remediation stage.

1. Notwithstanding the plans submitted prior to the commencement of development, details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with policy CS32 of the Dacorum adopted Core Strategy and paragraph 109 of the National Planning Policy Framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal.

2. Development shall not begin until a scheme to deal with contamination of the site has been

submitted to and approved in writing by the local planning authority.

- a. No part of the development hereby permitted shall commence until;
- i) an investigation and assessment methodology, including analysis suite and risk assessment methodologies, has been agreed in writing prior to site investigations by the Local Planning Authority.
 - ii) a site investigation and assessment has been carried out by appropriate qualified and experienced personnel to determine the status of contamination [including chemical, radiochemical, flammable or toxic gas, asbestos, biological and physical hazards, other contamination] at the site and submitted to the Local Planning Authority. The investigations and assessments shall be in accordance with current Government and Environment Agency recommendations and guidance and shall identify the nature and concentration of any contaminants present, their potential for migration and risks associated with them.
 - iii) a remediation scheme, which shall include an implementation timetable, monitoring proposals and remediation validation methodology, has been agreed in writing with the Local Planning Authority.
- b. After development commences, if any potentially contaminated (unusual/suspect) material or flammable/toxic gas not previously identified is discovered, then a further assessment and reviewed remediation scheme will be required by the LPA. If no contamination is found then this should be detailed in the completion report.
- c. A written confirmatory sampling and analysis programme with an appropriate risk assessment for the site in the form of a completion report to confirm the adequacy of remediation shall be submitted to the LPA and approved in writing before this condition will be discharged.

Reason: To comply with policy CS32 of the Dacorum adopted Core Strategy and paragraph 109 of the National Planning Policy Framework to ensure the site is remediated in a suitable way and as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal.

3. No development shall take place on the site until the applicant, or their agents or successors in title, has undertaken a programme of archaeological investigation work in accordance with a scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: To record any features of architectural, historic and archaeological interest prior to alteration which might be exposed during the course of the works and to comply with paragraph 128 of the National Planning Policy Framework PF and Policy CS27 in Dacorum Borough Council Core Strategy

Other conditions

4. Prior to the first occupation of the dwellings, details of the proposed boundary treatment (showing height, specification and materials and/or planting) shall first have been submitted to and agreed in writing by Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing. The agreed boundary treatment adjacent to the canal shall to be removed or altered without the prior written approval of the Local Planning Authority.

Reason: To comply with the requirements of section 7 of the National Planning Policy Framework and ensure that the external appearance of the development is satisfactory. The boundaries adjacent waterside developments should provide an attractive façade and poor design can affect how the waterway is perceived. The construction of foundations for fencing has the potential to impact on the integrity of the waterway therefore development approved should prevent damage to the waterway structure and protect users on the towpath.

5. Notwithstanding the plans submitted prior to the occupation of the dwellings details of the proposed lighting for the development shall be submitted to and approved in writing by the

Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with paragraph 125 of the National Planning Policy Framework as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

Informative

"The applicant/developer is advised to contact the Waterway Engineer on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust". For the Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Further comments received from Canal and River Trust on 28.02.2017:

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 upon the information available we have the following **general advice to offer**:

We note that the amended /revised details include information on a roadside retaining wall and fencing. We would remind the applicant that Wilstone Bridge is a listed structure, in the ownership of the Canal & River Trust and suggest that further discussions take place prior to work commencing regarding this matter as part of the Third Party works process referred to in our original response.

However, we question whether the proposed 1.2 m high fence is appropriate given its position so close to the Listed bridge and would ask that the Councils conservation Officer considers this further.

All other comments, conditions and the informative suggested in our original response dated 08.12.16 remain relevant and form our substantive response.

Strategic Planning and Regeneration Comments

Please refer to our original comments on the pre application under 4/0414/16 as these remain relevant. We note that the number of homes has been reduced marginally from 9 to 8. This will help reduce the quantum of development on the site over that existing and thus contribute to lessening its overall impact. We also note that the layout has changed so that all of the units back onto the GUC (effectively creating a staggered block of terraced properties).

We are generally supportive of the redevelopment of this previously developed land bearing notwithstanding its impact on the surrounding countryside and GUC. A relatively high density (c.30 dph) and canal-related approach to the development may also be appropriate subject to a suitable relationship with the GUC (saved Policy 106). This is an excellent opportunity to improve the site's appearance by removing existing derelict/unattractive buildings and to enhance this part of the canal corridor. The views of the Design and Conservation team should be sought on this matter.

It is slightly disappointing that the proposal will only provide for larger units (3 and 4-bed houses) (Policy CS18). A mix of housing would be more likely to meet a wider range of needs. However, we would not raise any fundamental objections to this aspect of the proposal.

Normally a scheme of this scale (8 homes) and in this location would generate a requirement for affordable housing (Policy CS19). However, the site now needs to be considered against the Affordable Housing Clarification Note following the re-introduction of the national approach to affordable housing on small sites (as explained in the NPPG).

On this basis, as the site falls within a defined "rural area" then a contribution towards affordable housing would theoretically be required taking into account any reduction following the application (if appropriate) of the vacant building credit.

We are aware that the matter is further complicated in that the agent is arguing that the Council has incorrectly defined the "rural area" boundary. This matter has been discussed with the Council's legal team and we have been advised that it would point towards the site being excluded from the definition. We have now agreed a position internally which means that this development falls outside of the definition of "rural area". The "rural area" will now cover the area of the CAONB only. The Clarification Note will be amended accordingly.

If the site is treated as falling outside of the rural area then it would not be liable to any contribution. In this case, we note that the floorspace of the development exceeds 1,000 sqm. On this basis under the Clarification Note, a commuted sum would be justified (Figure 2(b)) (subject to any discount (if appropriate) against the vacant building credit). Please seek advice from the Strategic Housing team regarding the commuted sum calculation.

18 parking spaces are to be provided which would equate to approximately 2 spaces per unit. This is virtually in accordance with the parking standards under saved DBLP Appendix 5 (i.e. 18 as opposed to 19 spaces).

We are pleased to see that each of the houses is to be provided with a marginally greater level of amenity space compared to the earlier scheme, albeit these will be provided at less than the required garden depth of 11.5m (saved Appendix 3). This will help soften the appearance of the development and its relationship with the canal. As mentioned in the pre application scheme, we believe that there is scope to be flexible over the gardens given its location adjacent to the GUC and if it delivers a good quality scheme overall.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

The following comments were received from a resident of 53 Tring Road:

I broadly support the application with 2 reservations, the first being that the access road so close to the bridge is dangerous and possibly 16 more cars trying to exit onto the bridge will mean it is only a matter of time before there is a serious accident, the plan should be amended to allow access to and from the site via Watery Lane, I noted the traffic survey was carried out during the school holidays when the traffic through the village is 40% of the normal traffic, how will the articulated lorries access the site while building, they can't park by the bridge or go over it due to weight limits, where will the builder park their cars etc, there are no parking spaces near the site unless they are forced to park on site it will cause danger to other road users, secondly there are bats in the barns, as they are protected how are you going to deal with this.

Comments received from residents of Chivery Hall Farm:

I own the land adjoining this plot and did live in the house next door in Watery Lane fifty years

ago. My concern is water leaving the proposed site into the brook. Will it cope and who will be responsible for dredging and maintaining? The lane did used to flood - hence the name. Feel the drainage on the site plus the sewage etc should be carefully considered. I have no objection to the development in theory.

Comments received from a resident of 90 Tring Road:

I have no objection to the development but have concerns re the access. I have lived in the village ten years and pass this site four times a day.

First just after rush hour and again at lunch time and various times in the evening.

My concern is when traffic is approaching from Wingrave road into Tring road to the village. If you are driving out of the village, several times I have had to swing partly into the junction of Watery Lane due to the speed of traffic approaching towards the village. There is a bend in the road near the bungalow opposite the proposed development and drivers do not slow down but take the bend at a wide angle which leaves you having to swerve to avoid an accident. Also there is usually a lot of surface water when it rains that pools on the road near the gates of the bungalow which also does not help this issue.

I have concerns that the proposed development of eight properties could potentially have sixteen cars plus visitors. The problem is driving into the village you can only see the approaching traffic once you are coming around the bend by the bungalow, so if vehicles are coming in or out of proposed development site onto a narrow road they will probably also encroach into oncoming vehicles thinking there access is clear. I feel from my own experience and near misses I have had myself due to the speed of traffic & dangerous bend that this issue will need serious re-evaluating & consideration.

Living on Tring road myself the volume of traffic at peak times is quite constant as the village is used as a cut through from Long Marston / Wingrave to Lower Icknield way & A41 - M25 & Aylesbury

Comments received from the residents of Goodspeed:

I am emailing my response to the above planning application. I am a neighbour (I live at Goodspeeds in Watery Lane) and I tried to upload it direct to the website, but couldn't so I'd be grateful if you could submit these.

In general I think development of the site is a positive move, as at present it is unsightly and certainly doesn't add to the community. However, I would like to make the following points regarding the plan as submitted:

1. In order to complement the environment, I feel that the front boundary should formed of a hedge of native species, as this is what surrounds the site (along Watery Lane and Tring Road). A wooden fence would be out of keeping and unattractive.
2. As many trees/shrubs on the eastern border of the site to be retained to shield the site from view from that angle.
3. I'm not entirely convinced by the bat/owl reports of which the second conveniently states that there are no bat roosts or owl activity. Considering the state of the outbuildings and the number of years that they have been open to the elements I would be very surprised if these were not being used by bats and owls and other creatures. Bats regularly fly about across the fields and if they don't roost there, I'm not sure where else they would roost. As I say, I'm not against the development, but there needs to be a balance and it can't come at a cost to precious wildlife. Owl boxes should, as a minimum be installed, and I wonder if one of the buildings could be retained i.e. as the bike store on the plan.
4. As a neighbour, it would be good to have the working hours capped – no early starts or

Saturday working.

I received your letter about the amended plans, stating there are now 7 houses and one live/work unit. Looking at the plans, it still looks like 8 houses. Which one is the live/work unit? And what is that?

- I note that the front border is now black iron fencing, why cannot hedging be put in? The site is surrounded by hedging and this would look so much more in keeping with the area.

Considerations

Policy and Principle

The site is located within the Rural Area, just outside the northern edge of the designated Wilstone village core. The principle of new housing is normally not identified as being appropriate development in the Rural Area, however adopted Core Strategy Policy CS7 allows for small scale redevelopment of previously developed sites providing:

- 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.

There is no reference to previously developed sites in the Rural Area within the National Planning Policy Framework, however the Core Planning Principles set out in paragraph 17 "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value."

Despite being a brownfield site, the site is located next to the Grand Union Canal, a Local Wildlife Site. Hertfordshire Ecology have identified it as likely to be in a condition that supports habitat interest of local value by acting as an ecological corridor, although there are no biological records (species or habitats) for the site itself. The site therefore does have some environmental value although it is not considered to be of such value that is unable to be protected through mechanisms such as a Construction Environmental Management Plan.

Information submitted with the application substantiates the status of the site as brownfield. The site has an historical use associated with the canal and lock and has also historically been used for agricultural purposes. Between the years 1910 - 1993 the site was in use as a coal dealership and more recently it has been in residential use as a single dwelling (Victory House). The large number of outbuildings that appear to have been present on the site in the late 1970's remain today albeit in various states of disrepair.

Due to its brownfield status the proposal to bring the site back into effective use for housing is in accordance with paragraph 17 of the NPPF. The proposal accords with saved Policy 10 of the Local Plan which seeks the optimisation of urban land with vacant or underused land and buildings brought into the appropriate use(s) as soon as practicable through new building, conversion, adaptation or other alteration. It also accord with adopted Core Strategy CS7 which allows for the small scale redevelopment of previously developed sites.

Saved Policy 106 of the Local Plan requires development adjoining the Grand Union Canal to make a positive contribution to the canalside environment. Development must be appropriate to the environmental and historic character of the canal in terms of design, scale and materials. Important views to and from the canal should be retained.

The proposed development has been designed as a contemporary response to its canalside location in terms of form and materials. Conservation and Design consider that this is an appropriate response given that some form of historic development in relation to the canal has

always existed on the site. They note that the proposed development is also within the setting of the listed bridge and nearby lock. However the majority of the significance of both the bridge and the lock are gained from the canal whilst at low level its significance is gained from its prominence within the rural setting. The proposed development does not directly impact upon the views of the bridge from the tow path in either direction.

At present the existing development and vegetation bordering the site prevents views through the site. The proposed site layout affords some views into the site due to the set back of the buildings and angular orientation of some of the buildings. The open grassed frontages to the dwellings serve to provide enhanced views towards the warehouse style development. It is noted that the dwellings are positioned so that the parking areas and domestic features such as bin storage are screened from the prominent public canal viewpoint. It is therefore considered that views to and from the canal into the site would be enhanced in accordance with Policy 106.

The amount of development is commensurate with the overall volume of existing built development on the site. Whilst there would be an increase in the volume (19 percent) and floor area (30 percent), there would be a reduction in footprint (30 percent) signifying an opening up of the site with greater visual permeability. The overall low height and scale of the built form is in keeping with the rural location and appropriate to the canal side environment.

The proposed density would be in the area of 30 dwellings per hectare which would be within the expected range of 30 to 50 dwellings per hectare outlined under saved Policy 21 of the Local Plan.

Overall the proposed development is considered to improve the character and appearance of the site and wider canal and countryside location by removing existing derelict/unattractive buildings. This part of the canal corridor will be brought back into use and maintained on an on-going basis. The proposed development is therefore in accordance with adopted Core Strategy CS7 and saved Local Plan Policy 106.

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Policy CS17 seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is supported in principle in the choice of homes that it provides under Policy CS18 of the Core Strategy.

Concern has been raised by the Parish Council that a range of homes are not being delivered by the development in terms of a larger number of smaller sized homes to meet local needs. Strategic Planning and Regeneration also acknowledge a lack of range of dwellings forming part of the proposal:

It is slightly disappointing that the proposal will only provide for larger units (3 and 4-bed houses) (Policy CS18). A mix of housing would be more likely to meet a wider range of needs. However, we would not raise any fundamental objections to this aspect of the proposal.

Core Strategy Policy CS18 states that decisions on an appropriate mix of homes will be guided by factors such as strategic housing market assessments, and housing need surveys together with site specific considerations. The site is a previously developed site in a rural location. Relevant policy states that proposed development must not impact on the character and appearance of the countryside. The applicant has submitted a number of factors that limit the potential for a greater number of smaller dwellings on this site. The site is constrained in size reducing the ability to accommodate the increased demand for parking and services required for a greater number of units. The built form would need to be increased in height with potentially less landscaping provision which would impact on the character and appearance of the site. There is a lack of demand for starter type homes or apartments in this location. It is

also less sustainable to have denser type development in more isolated rural locations as it would result in more occupants needing to travel further to access local amenities. It is therefore considered that the size of dwellings is appropriate for this location and the lack of mix would not warrant refusal.

The proposal includes one live/work unit comprising an additional area of 21m² of workspace to be utilised by the occupant for commercial use within Class B1 (a) (office use). Live/work units are not specifically addressed within the Local Plan policy however there is no objection in principle to the proposal. There is a sustainability case for live/work units as they enable occupants to avoid the need to travel to work. A condition would be attached ensuring that the business floorspace identified as "work unit" would only be used as offices.

Appearance and Layout of Proposed Development and Impact on Setting of Listed Bridge

The layout of the site has been determined by its canalside location and triangular shape with parking and vehicle turning area located close to the existing access. This also allows for the dwellings to screen the parking area from canalside views

Minimum garden depths of 11.5m as required by Appendix 3 of the saved Local Plan will not be achieved for each dwelling. This is also in part due to the unconventional layout resulting from the triangular shape of the site. However the site sits adjacent to the canal which does offer access to open land/amenity space. It is also noted that more amenity space is provided than that proposed in pre-application discussion which has helped to soften the scheme and also provide more open space between the built elements thereby avoiding a cramped appearance. Due to its countryside location and access to wider open space and the canal it is considered that the proposed amenity space for future occupants is appropriate.

Conservation and Design have considered the proposals in the context of the setting of the listed bridge and lock and the wider character and appearance of the area:

The mass form and scale of the dwellings reflects both agricultural buildings and the warehousing/ industrial character of canal side developments. Although within a rural setting, this site would appear to have had some use over a long period of time connected to transporting goods along the canal. As such we believe that the mass and form is acceptable. The design is of its time. We believe that this is an appropriate response to the setting and the significance of the site. A pastiche form of canal warehousing would be detrimental and harm the understanding of the site and the adjacent canal structures as such we believe that the modern interpretation is the best way to proceed. As such we believe that the proposals would be acceptable.

Alterations sought by Conservation and Design to the boundary treatment and details of the retaining wall adjacent to the bridge have been provided. Black estate fencing remains as the proposed treatment to the canal side boundary; native species hedge with new tree plantings is proposed along the northern boundary; and a 2 rail Bridgewater Ductile iron fence is proposed along the road boundary. Should the committee be minded to grant permission, a condition will require details of all boundary treatment and landscaping. A condition will also be attached removing permitted development rights to protect the setting of the listed building and views from the canal into the site. The removal of Class E (outbuildings) is particularly relevant in this respect so as to retain the open space frontages between the dwellings and the canal.

Impact on Trees and Landscaping

The proposals include a native species hedge along the northern and eastern boundary with new tree planting along the northern boundary.

Trees and Woodlands have considered the proposals and advised that there are no trees of

particular note or historical significance either in the context of the canal or surrounding landscape and none that should be a constraint to reasonable development. They have noted that the current trees are pleasant and the better rated ones are shown for retention.

As no detailed landscaping scheme has been proposed, details will be required by way of condition that is both appropriate for the new site use but also reflects its location and former use next to the canal.

Impact on Highway Safety

Highways have raised no objection to the proposed development. Further information was requested to be provided by way of condition in terms of moving the vehicle entrance to achieve visibility splays and a swept path analysis to demonstrate that emergency and refuse vehicles can manoeuvre within the site. The applicant has provided the information to satisfy these requirements and Highways have adjusted the recommended conditions accordingly.

The application is for 18 parking spaces are to be provided which would equate to approximately 2 spaces per unit. This almost meets the maximum parking standards under saved DBLP Appendix 5 (i.e. 18 as opposed to 19 spaces) and is considered to be acceptable.

Impact on Neighbours

There are no neighbouring residential properties in proximity to the site that would be affected by the proposals. The closest residential property is Lock View located over 48m to the east of the site on the opposite side of Tring Road. Goodspeeds is located over 55m to the north with a field separating the sites.

The nearest residential properties to the south of the canal are those on the north side of Tring Road on the periphery of Wilstone Village. A triangular open site separates these properties from the canal.

Canal and River Trust

As a statutory consultee, the Canal and River Trust (CRT) have considered the impact of the proposal on the waterway corridor, including the listed bridge. They have made the following general comments in terms of the proposed development:

The design, siting, configuration and orientation of buildings optimise views of the water and generates natural surveillance of water space. The replacement of the derelict buildings and replacement by the proposed dwellings will improve the appearance of the site when viewed from the towpath, the canal bridge and from the water at boat level, and will therefore enhance the visual and environmental quality of the waterway corridor.

Further details of the boundary treatment have been requested to be provided together with the removal of permitted development rights to control boundary treatment due to the visual impact on the character of the waterway. Conditions have been recommended to this effect.

Financial contributions have been requested in relation to the safety of use and maintenance of the adjacent listed bridge and also in connection with providing access to the canal. The applicant has since provided details of the improvements to the retaining wall beyond the bridge abutment and the addition of a railing to provide some security for pedestrians walking over the bridge. CRT has asked that the relationship with the railing and the listed bridge is given further consideration however Conservation and Design have confirmed the proposals to be acceptable. As outlined above further details will be required by way of condition.

The Council's Regulation 123 List sets out projects and types of infrastructure that can be

funded by CIL and those projects that can be funded through developer contributions under S.106. The works for which contributions are being sought by the Canal and River Trust are listed as being secured through CIL (Strategic and Local Transport Proposals; Green Infrastructure) and therefore cannot be secured through developer contributions. On this basis there are no grounds to request the contributions sought by CRT.

Affordable Housing

Previously a scheme of this scale (7 homes) and in this location would generate a requirement for affordable housing (Policy CS19). However, the site now needs to be considered against the Affordable Housing Clarification Note following the re-introduction of the national approach to affordable housing on small sites (as outlined in the NPPG).

The defined "rural area" for the purposes of applying a lower threshold of 5 units for the exemption for affordable housing on smaller sites as set out in the NPPG only applies to relevant sites in the Chilterns Area of Outstanding Natural Beauty. As this site does not fall within the AONB it is not liable to any affordable housing contribution. Furthermore as the floor area of the proposed residential dwellings is less than 1000m² a commuted sum towards off-site affordable housing is not required.

Ecology

The applicant submitted a bat roost assessment for the site which has concluded that there are no bats roosting in any of the buildings, but they do use the site for commuting and foraging. Other constraints highlighted by the ecological report include breeding birds. In addition due to the proximity of the Local Wildlife Site which will also act as an ecological corridor protection from both direct and indirect impacts must be in place prior to construction.

Hertfordshire Ecology has therefore recommended that a Construction Environmental Management Plan (CEMP) which be implemented which should include mitigation/ avoidance strategies for breeding birds and commuting bats, and protection fences for the Local Wildlife Site. A condition has been recommended should the committee be minded to grant permission.

Archaeology

The Hertfordshire Historic Environment team has identified the site as having a high potential for the presence of heritage assets of archaeological interest such as post-medieval remains which may be affected by the proposed development. The Historic Advisor has requested the development and implementation of a Written Scheme of Investigation in order to mitigate any potential impacts. This would be required by condition should planning permission be granted.

Contamination

The applicant has submitted a Geo-Environmental Report in respect of contamination. The Land Contamination Officer has considered this information but concluded that further investigative works and remediation are required, the two standard contamination conditions are recommended to be applied to this development should permission be granted.

Sustainability

The application has been supported by a sustainability checklist as appropriate and is considered to satisfy the criteria of CS29. The Lead Local Flood Authority has considered the proposals in terms of sustainable drainage and confirmed that the proposals are acceptable.

Refuse

The applicant has engaged with Waste and Recycling Services to ensure that the appropriate means of bin storage to serve the dwellings and live/work unit can be accommodated on site. Details have been amended so that the proposed bin store is now able to incorporate the requirements of Waste and Recycling Services.

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 2 within which a charge of £150 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.

The applicant has submitted that the existing outbuildings that are in various states of disrepair are ancillary to the dwelling Victory House and therefore are existing residential dwellings for the purposes of calculating CIL. Further information to demonstrate the status of these buildings will be required to establish the amount of CIL required.

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 construction of the dwellings hereby approved shall not 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 safeguard the character and appearance of the setting of the adjacent listed bridge and lock in accordance with adopted Core Strategy Policies CS12 and CS27.

- 3 The construction of the dwellings shall not take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- 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);

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 and saved Local Plan Policy 106.

- 4 **Visibility splays of not less than 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access onto Tring Road, as shown in principle on drawing 453416-PEP-00-GL-DR-1300 Revision P02. Construction work shall not commence the applicant has demonstrated that the required visibility splays can be achieved by means of scaled drawings showing the access arrangements and visibility splays, to be submitted to and subsequently agreed in writing by the Local Planning Authority.**

Reason: In the interest of highway safety.

- 5 **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.

- 6 **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.

- 7 **The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. 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.

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

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

- 9 **The development shall not be brought into use until the modified vehicle access has been constructed to the current specification of the Highway Authority and to the satisfaction of the Local Planning Authority.**

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

- 10 **The proposed car parking spaces must have sufficient manoeuvring space to ensure all vehicles, including service and emergency vehicles, can enter and exit the site in a forward gear.**

Reason: The above condition is required to demonstrate that an acceptable standard can be achieved.

- 11 **All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.**

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

- 12 **The business floorspace of Live/Work Unit 7 identified as "Work Unit" on drawing 2060/05A shall not be used for any purpose other than for purposes within Class B1(a) in 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"**

Reason: To enable the local planning authority to retain control over the development in the interests of supporting the rural economy in accordance with Core Strategy policy CS7.

- 13 **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, D, E, F
Part 2 Classes A**

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.

- 14 **Notwithstanding the plans submitted prior to the commencement of development, details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.**

Reason: To comply with policy CS32 of the Dacorum adopted Core Strategy and paragraph 109 of the National Planning Policy Framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal.

- 15 **Notwithstanding the plans submitted prior to the occupation of the dwellings details of the proposed lighting for the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.**

Reason: To comply with paragraph 125 of the National Planning Policy Framework as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

- 16 **No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.**

- A) Risk assessment of potentially damaging construction activities.**
- B) Identification of “biodiversity protection zones”.**
- C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).**
- D) The location and timings of sensitive works to avoid harm to biodiversity features.**
- E) The times during which construction when specialist ecologists may need to be present on site to oversee works.**
- F) Responsible persons and lines of communication.**
- G) Use of protective fences, exclusion barriers and warning signs.**

The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the Local Wildlife Site and to accord with saved Local Plan Policy 106.

17 **The development permitted by this planning permission shall be carried out in accordance with the approved The Surface Water & Foul Drainage Design and Maintenance Philosophy carried out by PEP reference 453416-PEP-00-XX-RP-D-6200 dated October 2016 and the following mitigation measures detailed within the FRA:**

1. **Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
2. **Implementing appropriate SuDS measures as shown on the Drainage Strategy drawing.**
3. **Undertake drainage strategy based on attenuation and discharge restricted at 5l/s and to include permeable paving.**
4. **Secure clearance works for existing ditches including any culverts and ensure that they shall be kept clear of any obstruction to maintain any surface water flow.**

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

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

18 **The construction of the dwellings shall not take place until a detailed surface water drainage scheme for the site based on the approved Drainage strategy and 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 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

1. **Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.**
2. **Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout**

its lifetime.

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

19

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.

20

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 21.

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.

21

Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model

and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 22 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 23 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.

Informative:

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

- 23 **The development hereby permitted shall be carried out in accordance with the approved sustainability statement.**

Reason: To ensure the sustainable development of the site in accordance with adopted Core Strategy :Policy CS29.

- 24 **No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority for the provision of a fire hydrant(s) to serve the development. The development shall not be occupied until the approved scheme of fire hydrant(s) has been installed.**

Reason: To ensure water supplies are provided to adequately serve the site in accordance with BS 9999.

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

2060/01;
2060/02C;
2060/03;
2060/04A;
2060/05A;
2060/06A;
2060/07;
2060/08;
2060/09B;
2060/10A;
2060/11
453416-PEP-00-XX-DR-D-1200 P05;
453416-PEP-00-XX-DR-D-1300 P02;
453416-PEP-00-XX-DR-D-1700 P05.

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

Article 35 Statement

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

INFORMATIVES:

Canal and River Trust

“The applicant/developer is advised to contact the Waterway Engineer on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

For the Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Environment Agency

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

We can confirm that there is a main sewer network within 15m of the site and therefore the foul drainage should be connected to the main sewer.

Conservation and Design

Victory house and the 19th century outbuildings should be recorded and a copy of this record deposited in the Hertfordshire HER.

Thames Water

Waste Comments

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.

Package Treatment Works - Foul water for this development is not draining into Thames Water assets and therefore does not affect us.

Water Comments

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

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

Highways

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-

<https://www.hertfordshire.gov.uk/droppedkerbs/>

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

willfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

Lead Local Flood Authority

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

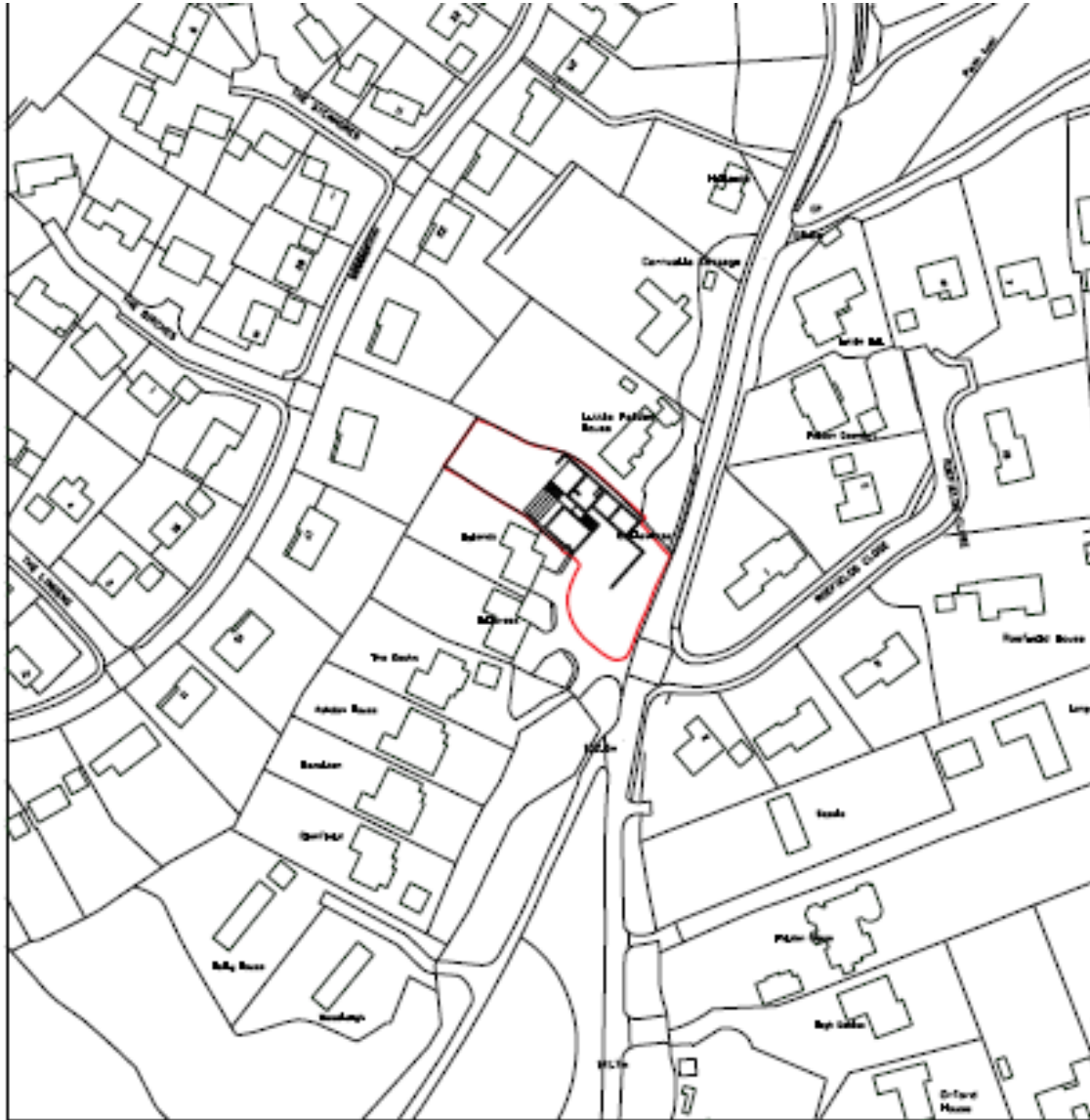
<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

Agenda Item 5b

Item 5b

4/02294/16/FUL – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW DWELLING WITH BASEMENT.

BELLAVISTA, FELDEN LANE, HEMEL HEMPSETAD, HP3 0BB



Ordnance Survey, lot Green Copyright 2016. All rights reserved. Licence number: 10002432

Item 5b

**4/02294/16/FUL – DEMOLITION OF EXISTING DWELLING AND
CONSTRUCTION OF NEW DWELLING WITH BASEMENT.**

BELLAVISTA, FELDEN LANE, HEMEL HEMPSETAD, HP3 0BB



**4/02294/16/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW DWELLING WITH BASEMENT..
BELLAVISTA, FELDEN LANE, HEMEL HEMPSTEAD, HP3 0BB.
APPLICANT: Mr de Figueiredo.**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

Site Description

The application site is located to the western side of Felden lane and comprises a substantial detached dwelling set on a generous sized plot. The existing dwelling is constructed of red brick with a tiled roof and has a large steep mono-pitch roof to one elevation and is not of any architectural merit. A pitched roof single storey garage extends to the front at right angles to the main property. The site slopes steeply down to the north and west providing views across the valley to the rear. The entire frontage of the site is bounded by mature hedging which screens the property from view. There is a generous sloping driveway with space for numerous vehicles to the front.

Proposal

Planning permission is sought for the demolition of the existing dwelling and the construction of a replacement. The new dwelling would be modern in its design, constructed of light brick with green roofs and large areas of glazing, two distinct blocks would be connected by a glazed link.

Referral to Committee

The application is referred to the Development Control Committee as it has been called in by the Local Ward Councillor; Cllr Riddick as it is considered there are a number of complex issues that need to be assessed.

Planning History

4/01585/07/FHA	SINGLE STOREY SIDE EXTENSION Granted 24/08/2007
4/00078/94/4	REMOVAL OF PRESERVED TREES Granted 16/03/1994
4/01601/91/4	DRIVEWAY AND ACCESS - SECTION 64 DETERMINATION Investigation 25/02/1992
4/01155/91/4	CONSTRUCTION OF DRIVEWAY AND FORMATION OF ACCESS Refused 10/10/1991

4/00661/90/4 SINGLE STOREY FRONT EXTENSION
Granted
24/07/1990

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Core Strategy

NP1 – Supporting Development
CS1 – Distribution of Development
CS4 – The Towns and Large villages
CS8 – Sustainable Transport
CS10 – Quality of Settlement Design
CS11 – Quality of Neighbourhood Design
CS12 – Quality of Site Design
CS13 – Quality of the Public Realm
CS17 – New Housing
CS29 – Sustainable Design and Construction

Dacorum Borough Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 18 – The Size of New Dwellings
Policy 21 – Density of Residential Development
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Appendix 3 – Layout and Design of Residential Areas
Appendix 5 – Parking Provision

Supplementary Planning Guidance

Area Based Policies (Felden East HCA5)

Summary of Representations

Conservation and Design

The proposal will add to the architectural interest of the area and as such we would not object. Bricks and bond subject to approval. Window, door detail and finish and landscaping materials and details subject to approval. Given the quality of the contemporary design it may be useful to contemplate removing permitted development rights to ensure that the contemporary character and architectural detail is preserved for the future and not harmed by unsympathetic alteration.

Hertfordshire Highways

Recommend conditional approval.

Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways, subject to the

conditions and informative notes above.

Contaminated Land Officer

I have no comments to make with respect to contamination.

Hertfordshire Biological Records Centre

Following the receipt of all the additional information - No objection to the determination of the application but recommended the inclusion of an informative.

- ***“Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works (particularly in the areas highlighted by Herts Ecology), work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”***

Herts and Middlesex Wildlife trust;

OBJECT - bat survey required before application can be determined.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Hylands, Little felden House and 19 Beechwood - Object :

19 Beechwood Park- OBJECT

1. Privacy - The current property at Bella Vista overlooks the rear of the property at 19 Beechwood Park. Privacy is currently achieved by the relative elevations of the two properties and the presence of a boundary fence and mature scrubs, bushes and trees. The proposed development at Bella Vista, although of a similar overall height and position, introduces windows at a higher elevation, i.e. the flat roof construction facilitates a fourth floor at the elevation currently occupied by the pitched roof. These windows will look directly into 19 Beechwood Park, reducing the current level of privacy.
2. Design and Appearance - The design of the dwelling, with a central staircase dividing the dwelling into two distinct halves, would suggest either multifamily occupancy or mixed commercial / residential usage. This, together with the overall design, i.e. a substantial four storey flat roofed building, would indicate that the proposed dwelling could be considered as being out of keeping with those around it.

Hylands - OBJECT

3. the plans show a large 6 bedroom property with 6 bathrooms while the current house has only 2 bathrooms. The sewage pipe flows from Bellavista and across adjacent sites. the pipes will not cope with the increase in volume.
4. Bella vista is a difficult and sloping site and the current building has very deep foundations. Concerned that any attempt to interfere with this or driving piles into the plot could cause vibrations leading to damage and subsidence of adjacent properties, especially as the new build is extremely close to the boundary.
5. the plans mis-represent the boundary positions
6. the unusual design would enable the building to be used as two separate residences
7. the effectively four storey structure would dominate the skyline and be out of balance with the surrounding properties.
8. the privacy of hylands is dependent on a hedge with currently exists. The removal of this combined with the expanse of glass would have a detrimental impact on amenity. A condition should be placed on the retention of the hedge.
9. the plans do not adequately illustrate how the new building interfaces with the boundary of adjacent properties.

10. The size of the new wall facing Hylands, while slightly lower than the current house due to the flat roof rather than a pitched one is 80% wider than the current wall. This will be visually intrusive and dominant, will overshadow the pathway to the front door and will significantly reduce light to the entrance as well as reduce light to the upper hallway and dining room.

Little Felden House - OBJECT

11. The windows in the side wall of the proposed house will overlook. There are no windows in the existing house. The proposed windows are not needed as they could be positioned on the other side of the room facing the other block or the rooms in question already have other sources of light. Although the windows are marked as being frosted, you can still see silhouettes and shadows through which will compromise privacy. If allowed there should be a condition preventing any window. The plans show approximate windows position for Little Felden House but these are inaccurate
12. Object to the length of the roof terrace and lack of wall surrounding it. The roof terrace at basement level will compromise privacy of Little Felden House. Due to the slope of the land the basement terrace is approx the same height as the ground floor of LFH. The proposed terrace would extend further to the rear than the existing terrace at LFH. Currently there are trees to screen the terraced / decked areas if the properties from each other. Originally this terrace was enclosed by a 1.8m wall. The amended plans show a much lower wall and as such privacy would be severely invaded. The roof terrace of the new house should not extend beyond that of LFH.
13. The first floor roof balcony without a 1.8m solid wall will overlook the bedroom windows of LFH. The amended plans show a smaller roof area with balustrade of either glass or dark grey iron. Unless there is a 1.8m screen this is objected to.
14. The plant room would be likely to give rise to noise / emissions that would adversely affect residential amenity.

Considerations

Policy and Principle

The site is situated in the town of Hemel Hempstead within a designated residential area, wherein residential development is acceptable in principle in accordance with Policy CS4 of the Core Strategy.

The main considerations in the determination of the application are the impact of the development on the character and appearance of the site and street scene; the impact upon neighbouring properties; parking and highway safety.

Design, Appearance and Layout

The application site is located within residential character area HCA5; Felden East, which is described as 'a very low density, spacious area of detached dwellings'. In terms of design it is acknowledged that there is no one architectural theme used and properties are generally very large and detached. The policy goes on to state that re-development may be acceptable according to the Development Principle of the area. The development principles are as follows;

- *Design:* No special requirements. Variety and innovation in design acceptable.
- *Type:* Detached dwellings are encouraged, although the conversion of existing large dwellings to flats may be acceptable. The redevelopment of houses standing in large grounds for flats may also be acceptable.

- *Height:* Should not generally exceed two storeys.
- *Size:* Large dwellings are encouraged.
- *Layout:* Wide to very wide spacing (5 m to 10 m and over 10 m respectively) is expected, with a minimum of 10 m spacing for proposals fronting onto Felden Lane and Sheethanger Lane. Informal, irregular layouts are acceptable, although the building line should be followed in Felden Drive. Rear gardens to houses will be expected to be provided at over 11.5 m in length.
- *Density:* Should be compatible with the existing character in the density range of 10 dwellings/ha.

The proposed dwelling is different from the surrounding dwellings in that it is of an innovative, contemporary design which would contrast with its neighbours. It would however, provide a distinctive property within the area which would add further interest to this already varied street scene. The dwelling would remain large and detached. Despite appearing four storeys in height to the rear, the significant slope of the land would be utilised so that from the Felden Lane street scene at the front, the replacement dwelling would adhere to the development principles and appear only two storeys in height. The height would not exceed that of the existing building or the adjacent properties and would not therefore dominate the skyline or street scene as suggested. The overall siting of the dwelling on the plot is similar to that of existing, and remains set back from the frontage and highway. The generous sized rear garden would be retained and is more than sufficient despite the increased dwelling size. The overall spacing (distance to the adjacent properties) is similar to that of the existing building and adjacent sites and is thus acceptable. The site would retain the trees and hedging along the front and rear boundaries which would help screen the property within the site and would not appear out of character within the area. The materials proposed are considered acceptable. Given the slope of the land, and the design of the building, large areas of flat roof would be visible, following initial concerns, the materials have been amended and it is now proposed to have a green roof to help assimilate the building into the valley and wider countryside beyond.

The new dwelling would integrate with the street scape character and respect adjacent properties in terms of layout, site coverage, scale, height, bulk, materials and landscaping. It thus complies with Policy CS12 of the Core Strategy.

Impact on Amenity of Neighbours

There would be no significant adverse impacts. Given its position and design the new dwelling will have an impact on the residential amenities of both adjacent properties; Hylands and Little Felden House, however, not to such a degree as to warrant a refusal.

There would be no overlooking of neighbouring sites as all windows to the side elevations would be obscure glazed and a condition to this effect will be imposed, any overlooking would be minimal and restricted to the rear raised terrace of Little Felden House, which itself already overlooks the rear of Bellavista. Due to the level change across the site, the existing boundary treatment would ensure this is kept to a minimum and would not exceed existing levels. Notwithstanding this to ensure no adverse impact a condition requiring details of the means of enclosure to all boundaries will be included. To the rear, the properties of Beechwood Park are located between 58 and 65m away beyond well-established mature trees and landscaping. Despite overlooking concerns being raised, the separation distance is more than double the 23m required and would ensure no significant overlooking or loss of privacy. There are already

a large number of rear facing windows to the existing property and whilst it is acknowledged that the new dwelling would have fenestration at roof level, the adjacent property Little Felden House already has two rear facing dormers at a similar level that would afford identical views.

With regard to light levels and visual intrusion, an assessment of the impact of the development on each adjacent property is set out below;

Hylands;

The proposed dwelling would occupy a similar footprint to the existing, albeit extending slightly further forward in relation to Hylands to the south. The main consideration is thus the impact of the new dwelling on the front facing windows and doors of Hylands. The front elevation of Hylands is staggered; the front door and study windows being set back and the dining room on the main front elevation. Concern has been expressed that the development will appear visually intrusive, dominant and overshadow these rooms. The front entrance and upper hallway are not habitable rooms and as such have not been taken into consideration.

The new dwelling would project further to the front than the existing building. However, given the favourable orientation, and the fact the flat roof design results in a much lower building, a comparable amount of daylight would still reach the front facing study, dining room and bedroom windows. The new dwelling consists of two distinct 'blocks', that closest to Hylands projecting only 2.5m further than the existing building. As such, it would not appear significantly intrusive or unduly prominent, especially given its reduced height. The garage would project further forward again, but this section of the new dwelling would be set much further to the north. The existing mature hedge which forms the common boundary between the buildings already obstructs a significant amount of light to the front facing windows of Hylands. Given its height the new dwelling would only be slightly visible above this hedge. Whilst it is not proposed to be removed, even if the hedge were lost (which is outside the control of the applicants), the new dwelling would not appear significantly intrusive or oppressive. In addition, it is important to note that this section of Felden Lane is characterised by properties which are set at significant staggers to each other, such that entire side elevations project to the front of adjacent properties. This is a common feature in the street scene. The new dwelling would not cause significant harm to the residential amenity of the occupiers of Hylands, especially when compared to the existing building at Bellavista.

Little Felden House;

To the north is a large, detached, two storey (with accommodation in the roof) dwelling known as Little Felden House. Given the position, orientation and design of the new dwelling, the main impact would be on the residential amenity of the south facing windows and doors and the terrace to the immediate rear (which is raised) of Little Felden House.

The southern side elevation of Little Felden House comprises two first floor windows and three sets of french doors at ground floor level. The existing building, with its steep mono-pitch roof is currently located immediately in front of two sets of these doors and one of the upper windows. The new dwelling would occupy a similar position but extend further to the rear than the existing property and as such sit directly in front of all of the windows and doors of the side elevation.

With regard to light levels and aspect, the rear most bedroom window and french doors are secondary serving windows (ie the rooms have a second window/door that faces rear) and as

such they would be given less weight in considerations as the rooms have an alternative source of light and aspect. The other first floor window however is a primary bedroom window and must be afforded more weight. At present the existing property at Bellavista extends across in front of this window and comprises a steep mono-pitch roof, which, whilst sloping away from the common boundary, extends significantly higher than the window. The rear elevation of the existing property at Bellavista aligns with the rear most edge of the bedroom window such that there is some degree of open aspect in oblique views to the west. The new dwelling would project for approximately 4m further to the rear, which would eliminate this aspect and increase the sense of enclosure felt by occupants of this bedroom. However, given the flat roof design of the new dwelling, the main southern side wall is lower than the existing mono-pitch roof and would thus permit views of the sky above it, which would provide some aspect. The proposed dwelling does incorporate a further level of accommodation but following concerns this upper floor has been set away from the common boundary and does not extend the full depth. Whilst there would be little relief to the bedroom window of Little Felden House, given its position and the 6m separation distance, there would be a small degree of aspect above the new building, which would be comparable to the existing situation. The upper floor also comprises a roof terrace. This would not however permit views to the front bay window or side bedroom window of Little Felden House as a balustrade would prevent access to the outer edges. Furthermore given its raised position, the main wall / roof of the floor below would also help obscure views. On balance it is considered that a refusal could not be sustained.

Concerns over privacy and overlooking and noise and disturbance have been received. The plant room would be contained entirely within the proposed building and would not give rise to any significant noise or disturbance issues.

Parking

The application site falls within Zone 4 of the Accessibility Zone in Hemel Hempstead. Appendix 5 of the DBLP states bedrooms 4 or more bedrooms dwellings within Zone 4 require a maximum car parking standard of 3 spaces. The site is well served by off-street car parking with a large front driveway and a double garage forms part of the proposal. It is therefore considered the proposed number of parking spaces would be in accordance with Appendix 5 of the DBLP.

Community Infrastructure Levy

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 3 within which a charge of £100 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 Issues

Concern has been expressed that the fact the dwelling is split into two distinct halves would

suggest either multiple occupancy or mixed commercial and residential use. There is no evidence to suggest this. The agent has confirmed that it is proposed to construct a single dwelling house for use by a single family. Planning permission would be required for the subdivision of the dwelling into two separate units and as such it is not considered necessary or reasonable to impose conditions.

A Bat survey has been submitted in support of the application and the County Ecologist is satisfied with its content and recommendations. An informative will be included as requested.

Concern was initially expressed about the accuracy of the site plan and land ownership, this has been altered during the course of the application. Concerns about the adequacy of the sewerage and damage due to foundations would be dealt with under Building regulations.

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 commence on the building (above ground works) hereby approved until samples of the materials proposed to be used on the external walls and roofs of the development and full details of the window and door details and finishes 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 ensure a satisfactory appearance to the development and to comply with Policy Cs12 of the Core Strategy.

- 3 The dwelling hereby approved shall not be occupied 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:**

- 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;
- finished levels and contours

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, to safeguard the

visual character of the immediate area and to safeguard the residential amenities of adjacent properties.

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

Schedule 2 Part 1 Classes A, and B

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.

- 5 **Notwithstanding any details submitted as part of the planning application, no development shall commence on the building (above ground works) hereby permitted, until plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with CS29 of the Adopted core Strategy.

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

PL - 01 - Rev P1 - Proposed Location Plan
PL - 02 - Rev P4 - Proposed Site Plan
PL - 03 - Rev P4 - Proposed Plan G/F
PL - 04 - Rev P4 - Proposed Plan F/F
PL - 05 - Rev P2 - Proposed Plan B/M 01
PL - 06 - Rev P2 - Proposed Plan B/M 02

EL - 01 - Rev P4 - Proposed Elevations 01
EL - 02 - Rev P4 - Proposed Elevations 02
EL - 04 - Rev P2 - Proposed Views 02
EL - 05 - Rev P3 - Proposed Views 03

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.

INFORMATIVES:

- The applicant is reminded that;

“Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works (particularly in the areas highlighted by Herts Ecology), work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”

- The applicant is advised that the freehold of the property is affected by the presence of a 100mm ductile iron public water main and this water main must be safeguarded during any proposed development.

HIGHWAY 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.

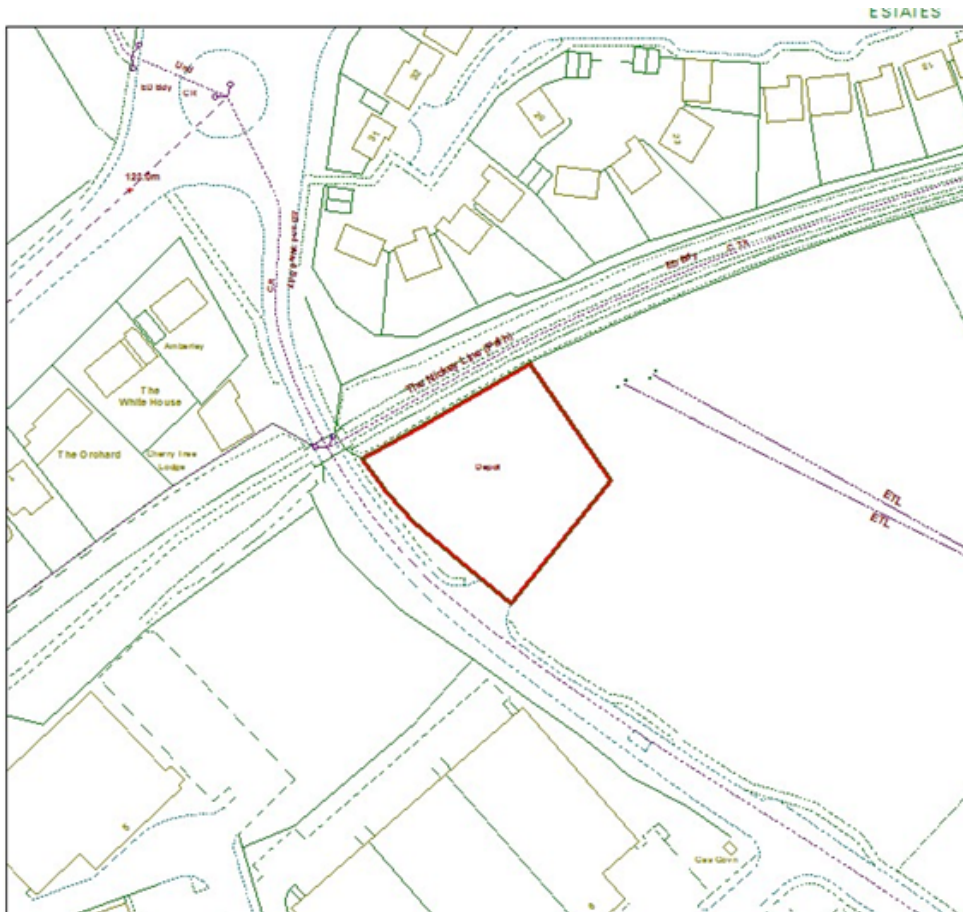
2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall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

Item 5c

4/02569/16/FUL- CONSTRUCTION OF SCAFFOLD STRUCTURE TO STORE MATERIALS (RETROSPECTIVE)

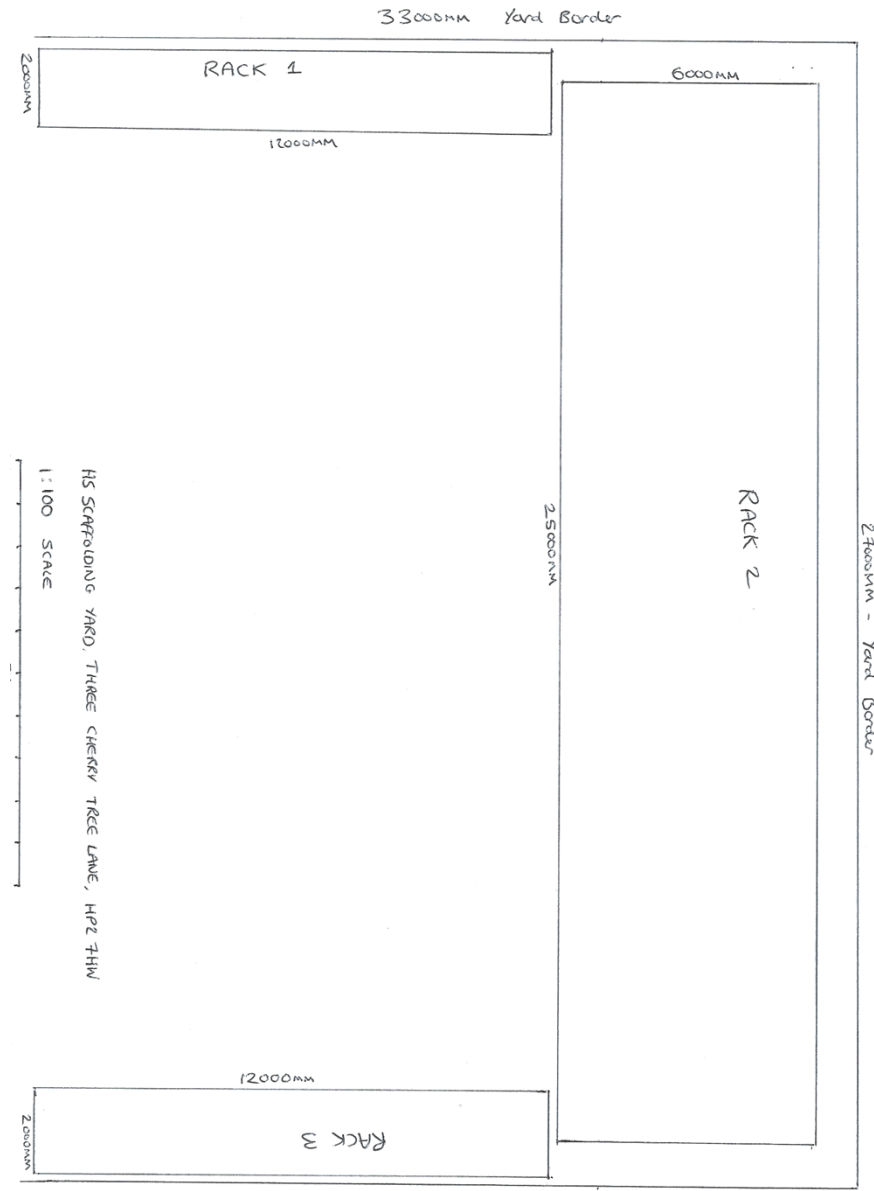
HS SCAFFOLDING YARD, THREE CHERRY TREES LANE, HEMEL HEMPSTEAD, HP2 7HN



Item 5c

4/02569/16/FUL- CONSTRUCTION OF SCAFFOLD STRUCTURE TO STORE MATERIALS (RETROSPECTIVE)

HS SCAFFOLDING YARD, THREE CHERRY TREES LANE, HEMEL HEMPSTEAD, HP2 7HN



4/02569/16/FUL - CONSTRUCTION OF SCAFFOLD STRUCTURE TO STORE MATERIALS (RETROSPECTIVE).

HS SCAFFOLDING YARD, THREE CHERRY TREES LANE, HEMEL HEMPSTEAD, HP2 7HN.

APPLICANT: HS Scaffolding Limited.

[Case Officer - Amy Harman]

Summary

The application is recommended for approval

Site Description

This site forms approximately 1,200 square metres of open land located on the north-eastern edge of Hemel Hempstead.

The site is surrounded on its eastern and southern boundary by existing woodland. The site's northern boundary abuts the wooded Nickey Line footpath and cycleway. The Nickey Line separates the site from Hunters Oak housing estate.

The access to the site is to the west, off of Three Cherry Tree Lanes which is accessed from Redbourn Road.

Proposal

The applicant is applying for retrospective planning permission for the construction of shelving for the purpose of storing scaffolding materials. The site was previously used by Calor Gas. The site is on council-owned land.

Referral to Committee

The application is referred to the Development Control Committee due to being called in by Cllr. Collette Wyatt-Lowe and is also on Land owned by Dacorum Borough Council

Planning History

None found

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS3 - Managing Selected Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design
CS14 - Economic Development
CS15 - Office, Research, Industry, Storage and Distribution
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS32 - Air, Water and Soil Quality
CS33 - Hemel Hempstead Urban Design Principles
CS34 - Maylands Business Park
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10
Appendices 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Cllr Collette Wyatt-Lowe

I have personally seen the traffic jams resulting from lorries backing into the site very recently with their personnel holding up the traffic so they can do so safely. My grounds for calling in are traffic considerations and noise. When is the application likely to be called in to the DevCon committee.

Senior Ecology and Built Environment Officer, Hertfordshire Ecology

We do not hold any biological records (species or habitat) for the application site. However the northern boundary of the site adjoins the Disused Railway Line Local Wildlife Site (LWS). The LWS has been designated due to the ancient woodland indicator species that have been found there. It is also an important linking habitat and could act as a corridor for many species. Due to the nature of the construction it is unlikely that the LWS will be directly impacted by the scaffold frame.

The development is, by its nature, temporary and does not represent a permanent change in habitat. The impact of the construction will be minimal and therefore I do not believe ecology will form a material constraint to granting planning permission.

Natural, Historic and Built Environment Advisory Team

The application site is immediately adjacent to the residential development at Spencers Park Phase 1, which is currently under construction. Archaeological evaluation and subsequent open area excavations at this site in 2015-16 recovered extensive and important (potentially national important) evidence of Roman occupation, industrial activity, and burial [Historic Environment Record No 15191]. The finds overall date from the 1st to the 3rd centuries, and include a fragment of a Roman column base. Roof, hypocaust and box flue tile and a fragment

of opus signinum were found which also suggest the presence of a Roman building of some status in the vicinity.

The application site therefore has the potential to contain significant archaeological remains (heritage assets of archaeological interest) of Roman date, in particular.

However, though the application documents do not provide much detail about the 'scaffold structure it would seem that, by its nature, its construction may have had relatively limited impact, if any, on any below ground archaeological remains present. It would be extremely useful if the applicant can provide us with photographs of the site, in order that this may be demonstrated.

Further comments

Thank you for sending the photographs. They confirm that there will have been no impact upon any archaeological remains, and I therefore have no further comment to make on the application. My apologies for the slight delay in sending this confirmation.

Hertfordshire Highways

The granting of a VO licence is sufficient checking/evidence that there is sufficient operating space within the site for the lorries to turn.

I can confirm that our Network Management officer has now replied and has not indicated any knowledge of specific traffic related issues associated with this yards operation. Moreover, he has checked with our TRO team (Traffic Regulatory Order) and there appears to be no sub clauses to any TRO that restricts access to the yard via Redbourn Road for HGV use.

Incidentally, I drove past the site on Monday at 07:07 am and there were two vans parked in the wide bellmouth and a lorry facing out being either loaded or unloaded. I assume that the vans will later park inside the yard once the lorry has left and the gates are closed.

In light of the above facts and the limited information that the agent has supplied, I do not think that the HA can still now raise an objection that would be reasonable and justifiable that restricts planning permission.

If possible, could I ask you to recommend a suitably worded condition, making sure that all staff associated with the business park their vehicles within the confines of the site and not on the public highway.

Hertfordshire Environmental Resource Planning

We do not hold any biological records (species or habitat) for the application site. However the northern boundary of the site adjoins the Disused Railway Line Local Wildlife Site (LWS). The LWS has been designated due to the ancient woodland indicator species that have been found there. It is also an important linking habitat and could act as a corridor for many species. Due to the nature of the construction it is unlikely that the LWS will be directly impacted by the scaffold frame.

The development is, by its nature, temporary and does not represent a permanent change in habitat. The impact of the construction will be minimal and therefore I do not believe ecology will form a material constraint to granting planning permission.

Environmental Health

The area in which this yard is sited is clearly designated as industrial land and there is already

substantial early morning disturbance in the locality due to traffic movements and other businesses. The noise produced is relatively short in duration, for most of the day the yard is locked up and quiet.

The yard is not immediately adjacent and the layout of the old railway line could make things better for the residents than it would otherwise be at the same distance. The complaints received are clearly mixing ongoing construction noise in with the scaffold yard operation, because they are complaining when the scaffold yard is closed and builders are on site. I am aware of 3 complainant's currently, if you discount the traffic related complaints, which we established are somewhat spurious because they involve other people's vehicles etc.

The complaints received were all combinations of different matters, namely traffic congestion caused by the scaffold lorries in the morning, with horns going and other drivers swearing etc., also scaffold and building noise that given the times quoted was very certainly the new house building behind the existing residents and a few instances of scaffold clanging that because of the early hour was definitely not the local building site.

It is clear that the scaffold company is being blamed for other people's lorries turning up into the width restricted road and having to turn around in the vicinity of the scaffold yard.

The complaints EH are aware of that include pre 7am scaffold noise were received early and mid-January this year, but were not investigated with regard to the early morning disturbance specifically because of the alleged times and the fact that the other issues mentioned were clearly uppermost in people's minds.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

2 objections;
23 Hunters Park
Cherry Tree Lodge, Three Cherry Trees Lane

Cherry Tree Lodge, Three Cherry Trees Lane

Adequacy of parking/turning

This company uses a number of large flatbed lorries to transport scaffolding 7 days a week. The access road to their site is Three Cherry Trees Lane, which is a narrow but busy road with a footpath that is in constant use.

Because these large lorries are wider than half of the narrow road, if there is any other traffic on the road, they cannot access their site without either driving on the footpath or on the grass embankment. This is highly dangerous and I have seen a number of incidents where the lorries mount the pavement at speed in the dark and pedestrians literally have to dive out of their way. When they get to the narrow bridge, they generally stop and block the road until such time as the traffic has stopped and allows them to pass. The lorries cannot turn within their site compound and therefore they have to stop the traffic totally in both directions in order to enter and exit the site. This takes a considerable amount of time because the other drivers do not want to stop and the lorries struggle to turn in the narrow road.

The impact of all of this on the local area is significant. Not only is it dangerous, the verges have been ruined by the lorries driving over them and the traffic comes to a complete grid lock both up the road into Maylands and down the road, blocking the roundabout. This generally happens at rush hour both in the morning and the evening.

Noise and Disturbance

The above issue results in constant conflicts between cars and the lorries on literally a daily basis. The lorries lean on their horns and yell at people to drive up the kerb. The cars lean on their horns and shout abuse at the lorries over the madness of them stopping the traffic. This goes on outside of my house and is disturbing me constantly.

The other element of noise is that between 6:00 am and 9:45pm, 7 days a week the scaffolders load and unload the lorries. This creates a significant noise that means that I cannot have any windows open if I do not want to be disturbed by the loud noise. In the evenings, if I want to sit in my garden, I have to listen to the constant sound of scaffolding poles crashing. Very early mornings, late evenings/night, weekends and Bank Holidays are particular times when I think this is unreasonable.

For information my friend who lives in Hunters Oak tells me that the noise wakes her up every morning but she has not been consulted in this process.

In summary, I have nothing against the scaffolding company but it only takes a common sense approach to see that this site is not appropriate to operate this business without having a significant negative impact on the people who live in the area, the local traffic and endangering people using the footpath.

23 Hunters Oak, HP2 7SN

Firstly I must say that I am alarmed that such short notice for appeal has been given to the residents of Hunters Oak. I received your standard notification through my door yesterday, 25th, and the last date for appeal is the 28th. No time for people who are away on holiday or really busy! Also I was unable to access any maps of this site on your website.

One of neighbours has complained bitterly about this, but they are now moving away from the close, as they virtually back on to the site.

I am extremely disquieted regarding the above application. I wrote to the Environmental Health Officer, Dawn Ryder, earlier in the year about the contractors starting at 6/6.30 am, and received a reply dated 12th May. (479109) I was complaining about the unreasonable levels of noise

and disturbance caused by the Scaffolding contractors for the new housing estate as they were beginning work at 6.00 am and also the noise during the daytime was unacceptable. Clanging of metal on metal is not harmonious! My son was staying with me periodically during the spring and summer months as he lives in Derby but had to work often in London. He was sleeping in the back bedroom and constantly being woken up between 6.00/6.30 a.m. I

regularly witnessed this noise myself and I don't know how people are supposed to carry out their jobs properly and earn an income if they are being denied sleep and rest. Also, being retired, I do not want to be woken up then either, and I desire a reasonably peaceful surrounding in the daytime, not scaffolding clanging around.

Ms Ryder stated that the stipulated hours of work should be after 7.30am and this was being contravened continually.

In Hunters Oak, especially in this cul-de-sac, we are extremely close to the scaffolding store, and the noise from the housing site in general is considerably troublesome at times, almost feeling the earth shake, which is an infringement of peace and privacy, and producing noise pollution.

Suffering extra clanging from the scaffolding site so close by (which makes me wince and my teeth go on edge,) is causing more unnecessary suffering. We were hoping this would cease

once the first phase of building was completed. Not only will we be losing our dark night sky from the new estate, and extra vehicular fumes and other noise, but we must continue to suffer from the clanging at all hours. Could they not make a depot on the far side of the excavation field, further away from residential properties? We already have other noise to contend with from the companies around the Gist site with the pallets and unloading etc. This new housing estate backs right up to the very edge of the Nickey Line and is extremely close to us.

I strongly object to the passing of this Planning Application. It is totally unacceptable and an infringement of privacy and respect for others. A bullying tactic, no less.

Considerations

Policy and Principle

The site, owned by the Council, has been utilised for B8 storage, the storage activity being a low grade use. Previously let to flowgas for the storage of gas cylinders and currently let to High Standards Scaffolding who are on a short term lease ending October 2020. Therefore although the use of the land has never been regularised the established use would be B8 Storage.

Saved DBLP (1991 – 2011) Proposals Map allocates the site for Housing and related Leisure uses (resp. H18 and L9). The proposal at the time assumed all the designated area would be brought forward for these linked designations. However H18 and L9 are now being delivered through the Spencer's Park Phase 1 development (now under construction).

This site and the woodland directly to the east of the site have been excluded from this development due to highly sensitive archaeological findings. This woodland will therefore be retained as woodland for perpetuity and will never be developed. Therefore the application site remains isolated.

As the site has remained isolated, it has been utilised for storage activity.

Therefore the retrospective application for the erection of scaffolding storage, in the context of the above, is assessed having regard to what circumstances apply to consider it acceptable ; i.e; that would justify the continued storage activity at this location, including the degree the site is screened, its current impact on existing nearby housing, any scope for visual improvements, and whether the activity can be suitably controlled.

Effects on appearance of building and Street Scene

The site is located directly adjacent to the disused railway line 'The Nickey Line'. This separates the site from Hunters Oak which is the nearest group of residential properties. This provides an extensive visual buffer from this residential element. To the eastern side of the site is woodland which is to be preserved as a Neighbourhood park as part of the overall residential proposals - Spencers Park. This will therefore stay in existence and provide screening from this new residential development.

The site is also well hidden from Three Cherry Trees Lane as it has a verdant western aspect. The only way to see into the site is through the large gates which are the only access into the site.

Located to the south west of the site is a large industrial area with a mix of industrial uses (access of Three Cherry Trees Lane) which completely surrounds the properties off of Redbourne Road with the buffer of the Nickey Line.

Therefore in this regard the proposal has minimal visual impact on the street scene and

surrounding neighbours in accordance with Core Strategy Policy CS12.

Impact on Neighbours

Despite the nature of the site, the Environmental Health department has received a relatively low level of complaints. In fact 3 in total since the site has been in operation.

The noise that the scaffold yard produces is relatively short in duration, for most of the day the yard is locked up and quiet.

There is already substantial early morning disturbance in the locality due to traffic movements and other businesses. The yard is not immediately adjacent to any residential properties and the layout of the old railway line make provides a substantial noise buffer for the residents at Hunters Park than it would otherwise be at the same distance.

Only one complaint received by Environmental health relates specifically to the noise of the scaffolding yard. This is a relatively low compliant level for an operation such as this that has been in operation for nearly 18 months.

It is also clear that the complaints which have been received are clearly mixing ongoing construction noise in with the scaffold yard operation because they are complaining when the scaffold yard is closed and builders are on site.

Additional acoustic screening was discussed, however Environmental Health officers were of the opinion this would make no real difference because of the nature of an open yard. The noise travels upwards and therefore would not be improved by additional fencing.

Taking into account the mixed use nature of the area, the location of the site being adjacent to a large existing industrial area, it is not considered that the scaffolding use produces an additional unacceptable detrimental effect on residential amenity on terms of noise. It is therefore considered acceptable in terms of Core Strategy Policy CS12.

Other Material Planning Considerations

Impact on Trees and Landscaping

No impact - the insertion of the scaffolding stacking units have no impact on the existing trees and woodlands. They have no foundations and are in nature temporary.

Impact on Highway Safety

Hertfordshire Highways has confirmed that the granting of a VO licence is sufficient checking/evidence that there is sufficient operating space within the site for the lorries which service the site to turn. Lorries / vans approach the site from Redbourn Road up Three Cherry Trees Lane and are able to turn into the site and turn within the yard. They do not pass up Three Cherry Trees Lane through the access restriction.

Hertfordshire Network Management has not indicated any knowledge of specific traffic related issues associated with this yards operation. Moreover, the TRO team (Traffic Regulatory Order) states there is no sub clauses to any TRO that restricts access to the yard via Redbourn Road for HGV use.

Therefore the Highways Authority raises no objection that would be reasonable and justifiable that restricts planning permission.

It is considered appropriate to apply a condition which would make sure that all staff

associated with the business park their vehicles within the confines of the site and not on the public highway.

Archaeology

The site and wider area is identified in the Site Allocations DPD as a new Area of Archaeological Significance (DAC_63 Redbourn Road with Three Cherry Trees, Hemel Hempstead, Evidence of high status Roman occupation including burials). Given the advance stage the document has now reached, the archaeological designation can now be given weight (Policy CS27).

The County Archaeological team have been consulted and they have confirmed that the proposals would have no impact upon any archaeological remains.

Employment

It is important to note that Employment uses, such as B class distribution businesses, such as the applicant, are a key component of the local economy and provide just under half of all jobs in the borough. Over 98% of all businesses in the borough are categorised as 'small' and together they employ nearly two thirds of all employees. It is therefore essential to provide sites which these uses can utilise.

The applicant has a total of 20 employees which are all locally based. The majority of their work is local, supporting the local economy.

Therefore the proposal is supported by Core Strategy Policy CS15 which has regard to storage and distribution and encourages development proposals that include provision for small businesses.

Objections

The application attracted two objections from residents who were concerned with the noise that the scaffolding site generates and traffic issues.

It has been established that the noise which is generated in the locality cannot be solely attributed to the scaffolding site. Moreover due to the nature of the business, the noise generated is a relatively short period of the day. The adjacent construction site and industrial area in comparison produces noise for the main part of the day. Therefore there is not sufficient evidence to substantiate whether the scaffolding use produces an unacceptable level of noise over and above the existing ambient noise in the locality. An hours of operation condition is suggested which would exclude operations on Sundays and Bank Holidays.

The other concern is the impact of the use on Highways. However there are no substantiated complaints which can be directly attributed to the scaffolding site. A condition is suggested which would ensure that all vehicles are parked within the confines of the site. It has also been proven that lorries can turn within the site and therefore have no need to turn in the road.

Conclusion

The activity on the site is already established (albeit without any formal planning permission).

It is concluded that due to the sites location, adjacent to an existing industrial area, surrounded by natural buffers of the woodlands to the east and the disused railway line to the north, circumstances exist which justify the continued storage activity at this location.

The site is well screened and therefore has no impact on the street scene and the surrounding

uses. The noise complaints are very low for such a use and the natural noise buffers are considered to provide an acceptable acoustic buffer from the existing and new housing. Conditions are suggested to restrict the hours of operation and the parking of site vehicles within the existing yard.

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 carried out in accordance with the following approved plans/documents:
site plan dated 10/08/2016**

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

- 2 **All staff vehicles associated with the business must park their vehicles within the confines of the site and not on the public highway.**

Reason: In the interest of Highway safety and in accordance with Adopted Core Strategy Policy CS12

- 3 **No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times on weekdays and Saturdays 5.30am and 7pm, nor at any time on Sundays, Bank or Public Holidays.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with Adopted Core Strategy CS12

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.

Agenda Item 5d

Item 5d

4/03035/16/FUL – DETACHED THREE-BED BUNGALOW TO REAR

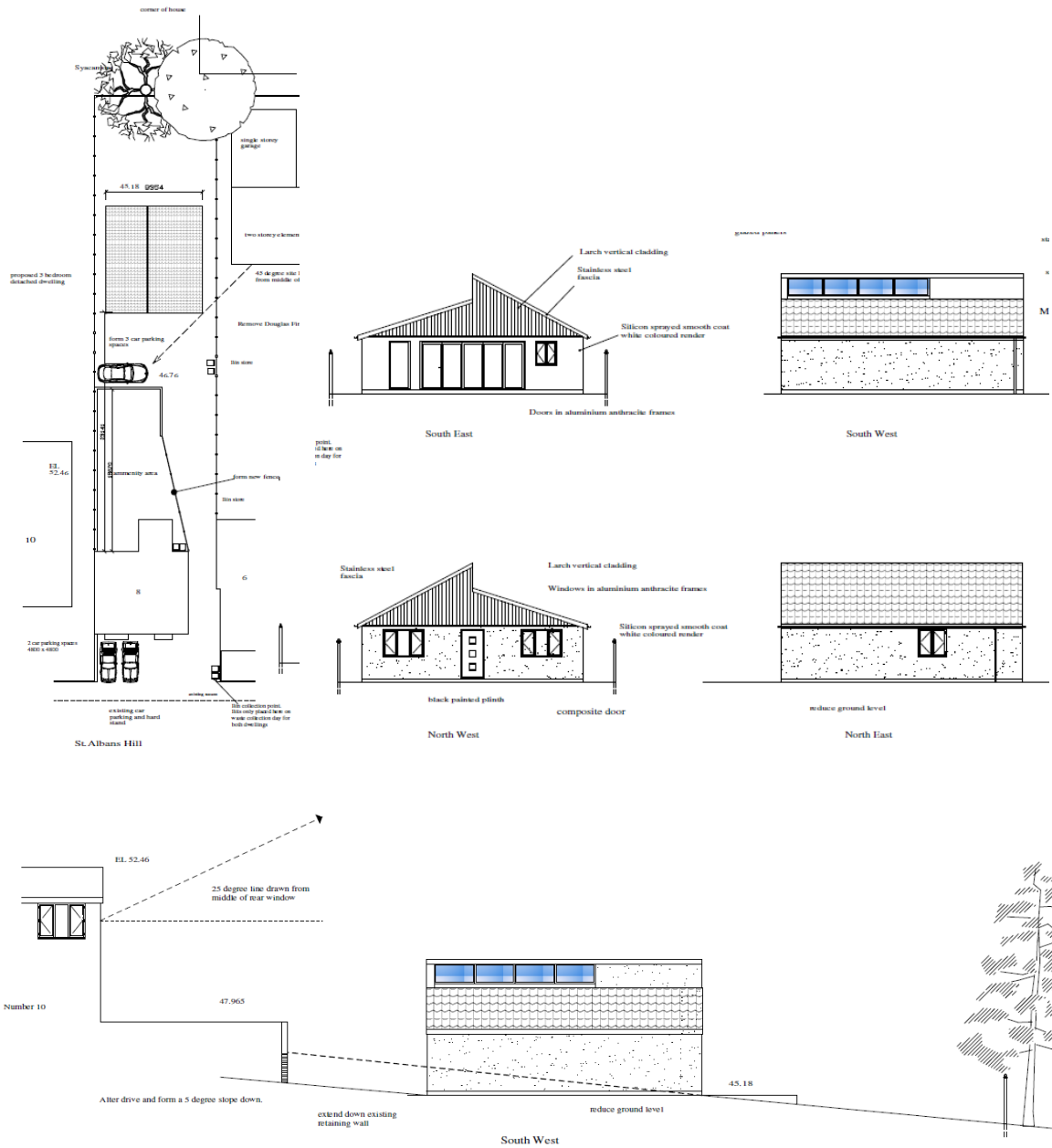
8 ST ALBANS HILL, HEMEL HEMPSTEAD, HP3 9NG



Item 5d

4/03035/16/FUL – DETACHED THREE-BED BUNGALOW TO REAR

8 ST ALBANS HILL, HEMEL HEMPSTEAD, HP3 9NG



**4/03035/16/FUL - DETACHED THREE-BED BUNGALOW TO REAR.
8 ST ALBANS HILL, HEMEL HEMPSTEAD, HP3 9NG.
APPLICANT: Mr Phillips.**

[Case Officer - Intan Keen]

Summary

The application is recommended for approval.

The development of the site for residential purposes is acceptable in principle. In this instance it is considered the tandem arrangement would not give rise to objections with respect to the character and appearance of the street scene and surrounding area, is acceptable in layout terms, would not have an adverse impact on the residential amenity of neighbouring properties, and would be satisfactory in terms of parking provision and access. The proposal is therefore in accordance with Policies CS11 and 12 of the Core Strategy.

Site Description

The application site is currently occupied by a detached bungalow located on the south-eastern side of St Albans Hill within the Belswains (HCA18) Residential Character Area. The surrounding area contains a mix of uses, including commercial uses to the north and west, and residential to the east and south. There is no distinctive pattern of development, noting plot sizes also vary including some examples of infilling, particularly to the south-east (off Belswains Lane). Due to the varied plot layout, dwellings are not always oriented to face the street.

Proposal

Planning permission is sought for a detached bungalow within the rear garden and involves the subdivision of the application site. The proposed dwelling would be of a contemporary design with a broken dual-pitched roof. The dwelling would have a rectangular footprint with a small rear monopitched projection.

The proposed dwelling would contain three bedrooms. Private open space would be located to the rear, a depth of 10.7m. The front garden would be hardsurfaced to provide parking for three spaces.

The existing dwelling at No. 8 would have a resultant garden depth of over 11.5m.

Parking provision (for one space) to the existing dwelling would be contained to the front garden (the rear garden would no longer be used for parking).

Both dwellings would share the existing access off St Albans Hill.

Referral to Committee

The application is referred to the Development Control Committee as the application has been called in if minded to grant by Councillor John Birnie.

Planning History

Of relevance is application 4/01057/16/FUL for a detached bungalow in the rear garden which was granted on 13 July 2016.

The current application differs from the previous approval as the new building has been squared off to the rear, and the private open space to the rear of the dwelling measures 10.7m

(a reduction from 11.5m) in depth.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

Dacorum Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8 - Sustainable Transport

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS13 - Quality of Public Realm

CS17 - New Housing

CS18 - Mix of Housing

CS19 - Affordable Housing

CS29 - Sustainable Design and Construction

CS31 - Water Management

CS32 - Air, Water and Soil Quality

CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 57, 58, 63, 99, 100, 101

Appendices 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Area Based Policies (May 2004) - Residential Character Area HCA18 - Belswains

Summary of Representations

10 St Albans Hill

We include herewith reference to images (Figure 1-9) that we are unable to upload to the Online Planning Portal and that have instead been submitted via email.

We OBJECT to the Proposal.

The Government encourages building of affordable homes and use of brownfield sites, NOT Garden-Grabbing of greenfield areas. We query whether a three bedroom detached bungalow at this location is likely to be an affordable home.

The building of new high-quality family homes is also encouraged. The proposed development falls within a small, confined area accessing a very busy road; much of the greenery on the plot has already been lost, and the building of the new property will result in a home with scarcely any green space or privacy of its own, situated in extremely close proximity to other properties. The Application for the proposed building contains several misrepresentations:

A) The Application, available on the Dacorum Council online planning portal, is signed and dated by the Agent as 15/04/2016. The Planning Portal bears the Date of the Application as

08/11/2016. We query the reason for this discrepancy.

B) Re: Application form (signed 15/04/2016), Section 10 Vehicle Parking. The application states the existing on-site parking to be for cars. In reality, parking is provided for a collection of vans, motorcycles and cars to simultaneously occupy the area.

C) Re: Application form (signed 15/04/2016), Section 10 Vehicle Parking. The application states the existing on-site parking to be for two cars and that a proposed increase of two car spaces will result in space for four cars. We have witnessed up to eleven vehicles being parked on the site on a daily basis; given that the owner of the property is a dealer in second-hand cars and motorbikes, numerous vehicles are regularly displayed and sold on the site with three vehicles parked at the front of the house, and eight parked on the hard-standing and garden area in the rear. Indeed, following the applicants building of the hard-standing, the property was marketed by Navigation Estates in January 2015 as ideal for the budding car trader with wraparound brick block off street parking for multiple vehicles. After accounting for the change in use of part of this hard-standing to communal driveway, we approximate that the addition of two new parking spaces will result in end total parking spaces for around seven cars to the rear and two to the front of 8 St Albans Hill.

D) Re: Application form (signed 15/04/2016), Section 10 Vehicle Parking. The application form states that two new parking spaces will be provided such that the total proposed spaces (including retained spaces) will be four. However, the plans/drawings detail that 3 new parking spaces will be formed.

E) Re: Application form (signed 15/04/2016), Section 15 Trees and Hedges. The Application claims that there are no trees or hedges on the proposed development site. In fact, there is a mature, tall Douglas fir tree, the height of which is difficult to estimate but we should think is at least 11 metres tall. The Douglas fir, in addition to numerous bushes and a large domestic lawn will be lost with the building of the new property.

F) The area on the submitted plans described as an amenity area, originally built over landscaped gardens without planning permission, IS currently used for the parking of multiple vehicles as described above (B & C). This has been the case for several years, and will undoubtedly continue to be the case after the new

Regrettably the Planning Department has authorised Planning Application 4/02055/16/FHA, the retention of the hard-standing area (referred to as the amenity area in the plans), having previously given conditions for approval of Planning Application 4/01057/16/FUL that the area would be removed to maintain some much-needed greenery to the site. This decision effectively enables parking space for multiple vehicles, instead of an amenity area, to be maintained.

G) It is difficult to interpret the plans which give individual proposed room dimensions. The plans do not provide a total proposed depth of the building and therefore do not provide a total proposed area for the building. On viewing the plans, one therefore has to add together the individual room depths to estimate the total depth; in doing so there arises a discrepancy between the total measurements of the north-east (left wall on viewing the plan) and south-west (right) walls which appear to be 9450 and 9600 respectively. One would expect these measurements to both to be equal, given that the new building is represented as a rectangle.

H) The plans submitted do not provide the height of the proposed structure. Unfortunately, despite an email enquiry to the Case Officer dated 16th October 2016 in relation to the original application for this site (4/01057/16/FUL) requesting the total depth and height of the proposed building, we have yet to receive this information. We cannot understand how any planning permission, including that already approved for the site (4/01057/16/FUL), can be granted to

applications that do not include these essential details and therefore fail to truthfully represent the impact of the proposed build.

I) The plan shows the angle from the upper level window of number 10 St Albans Hill. It fails to present the dwellings lower level windows (bedrooms of 10 St Albans Hill) and hence is an inaccurate representation of the relationship between the two properties. J) We are very concerned that the plans do not provide any indication of how the sloped ground of the boundary of our property, 10 St Albans Hill, and the new development will be stabilised after significant digging at this area.

Other Factors

1) Visual Intrusion: Based on the measurements provided, the distance between the front of the proposed bungalow and the rear of our dwelling, 10 St Albans Hill, where bedrooms & kitchen are situated, will be less than twelve metres. The building, as well as the cars and parking spaces, will be an obvious visual intrusion on a greenfield site which is currently an empty domestic lawn. As no measurements regarding the height of the total depth or height of the proposed building have been provided, it is difficult to accurately predict the final appearance of the property, however based on data that has been provided, we estimate the property to have the minimum dimensions of that shown in Figure 1, Figure 2 and Figure 3. Of note, the towering fence & breezeblock boundary structure that is most noticeable in Figure 3 and partially obscures the front-facing aspect of the proposed building was built by the same applicant without planning permission and already overshadows our patio area. (We have previously submitted our objection to the height of the fence. We have never received any formal notification of a retrospective planning application for this boundary structure).

2) The distance between the front of the proposed bungalow and the rear of the existing dwelling at 8 St Albans Hill will be less than 21 metres.

3) Visual Intrusion & Design/Appearance: The proposed development will result in the loss of approximately 97% of vegetation at this greenfield site which will NOT be replaced as the Council has already authorised an application for the continued existence of the retaining wall and hard-standing.

4) Overshadowing, loss of light & Loss of Privacy: The proposed construction will overshadow the rear of our garden at 10 St Albans Hill. The construction also allows new residents to look up from the North West aspect (proposed entrance and two windows) directly into the rear of our home.

5) Noise and Disturbance resulting from use, Exhaust pollution: Given that the submitted application already fails to mention the current parking of multiple vehicles at the site, it is expected this will continue and the end result will be the provision of parking spaces for approximately six vehicles at the rear of 8 St Albans Hill, and two vehicles at the front. In addition, a three bedroom home can be expected to house at least four new occupants. The proposed build would result in daily vehicle access into and out of the rear of 8 St Albans Hill, metres away from our own home. Undoubtedly this will be a dramatic increase in noise pollution.

6) Adequacy of turning: The new building would be accessed by the narrow driveway beside the existing dwelling of 8 St Albans Hill. We are surprised that any new high-quality housing should be accessed from a busy main road by such an inadequately wide space. In addition to the parking spaces planned for the new development, the Planning Department has authorised Planning Application 4/02055/16/FHA, the retention of the hard-standing area which, based on its historical use, we expect shall remain a parking area for number 8 St Albans Hill; as such we have safety concerns about the likely need to regularly reverse multiple vehicles for both properties out from the driveway of number 8 St Albans Hill onto a very busy road, only metres

away from a roundabout.

7) Overdevelopment of the site & Character of Area: Please find attached Figure 4 and Figure 5 which, in addition to Figures 1-3 (Garden of 10 St Albans Hill) show the immediate area surrounding the site of the proposed development. The area is rich in greenery and vegetation. Please find attached Figures 6,7,8 which are images available in the public domain on property websites that show the character of the domestic plots in this area. Such images, in addition to a satellite view of the area (Figure 9), demonstrate how the plans for this proposed development which involve the felling of the Douglas fir tree and the replacement of the entire lawn with man-made materials are out of keeping with the character of the area.

We urge that a committee ought to closely examine, and reject, this Application.

9 Belswains Lane

We wish to raise some objections, together with some queries/concerns that need to be considered, in connection with this application.

We have six objections:

Overdevelopment of the site and environmental issues
Safeguarding of essential root protection area / ensuring compliance with minimum garden size
Adequacy of parking/turning and future potential excessive car-parking
Close proximity to surrounding properties
Lack of detail provided on external dimensions (depth, width, height)
Setting an adverse precedent / NPPF policy and principle

1. Overdevelopment of the site and environmental issues:

If the bungalow development is granted, the entire site will have been stripped of all vegetation, grass and trees and it will be turned over to a site completely covered with paving, paving slabs, hardstanding, plastic grass and buildings. This part of Bennetts End is a very green area rich in wildlife, but the entire site at No.8 will become a barren area of artificial surfaces.

Also, as the site will consist of virtually all impermeable surfaces, the question of how all surface water will be disposed of to avoid the possibility of adversely affecting the soil equilibrium on-site and downslope is an important consideration. As the proposed development is downhill from the street drains, we are concerned that the use of a soakaway to deal with gutter drainage will increase local soil saturation. In addition, the sewer drainage for the proposed bungalow will need to be pumped uphill to the main drain, as it will not be possible for any access to drains downhill across our property.

2. Safeguarding of essential root protection area / ensuring compliance with minimum garden size:

It is essential that the minimum garden depth of 11.5m to the proposed bungalow is strictly adhered to (in the event of permission being granted) so that the root protection requirements of our two mature 80-year old Ash trees (incorrectly identified as Sycamores on the agents plans) are fully maintained. Ash trees nationally are rapidly becoming an endangered species due to the spread of Chalara Ash Dieback, and therefore we wish to do all we can to strengthen and protect these trees into the future. The full RPA (root protection area) required for these trees needs to be safeguarded, without compromise. Assuming that the rear garden of any new build is a full 11.5m this will be just about sufficient, but with space so tight in the entire development, this will be one dimension we would ensure is not compromised upon in the event of permission being granted. In the original application, the distance of 11.5m was

measured (incorrectly) to a stepped-back part of the rear building, and in the new application the stepped back area has been eliminated by straightening and bringing the whole rear wall forward, thus enlarging the footprint of the bungalow. The new plans do not specify the 11.5m as the garden depth, whereas the original bungalow plan did. An 11.5m garden depth, together with the proposed bungalow and car parking spaces (in tandem) would have to squeeze into the 27m depth of garden available below the raised hardstanding.

In addition, a quote from a Dacorum Borough document (see below) states that in an area where plot sizes are large, rear gardens may be required to be larger than the minimum in order to fit in with the general character. That would seem to be relevant in this case, given the plot sizes and gardens of surrounding houses. .

Quote: 2.5.6 Gardens and Amenity Space (ref. point (ii)). The minimum rear garden depth of 11.5m should normally be applied. In Character Areas where infill developments are acceptable, rear garden depths may be reduced if the shape, size and depth is compatible with the existing adjoining properties. For Character Areas where dwelling densities are low and plot sizes are large, rear gardens may be required to be provided at depths considerably over 11.5m where this is necessary to harmonise with area character.

3. Adequacy of parking/turning and future potential excessive car-parking:

Our third concern is one of safety, in that the alignment of car parking spaces in tandem results in restricted space for turning at the end of the access strip to the proposed new bungalow. This may result in an increase in cars being parked down the access strip resulting in a lack of access in the event of an emergency. Equally, the tandem parking arrangement combined with lack of manoeuvring space may result in an increase in cars reversing out into St. Albans Hill, only a few metres from a roundabout. Neither of these scenarios is desirable on the grounds of safety.

It should also be noted that the proposed development will involve excavating the uphill part of the plot for the new building, and necessarily this will mean a much steeper slope of the access road down to the new property. This would add to safety concerns regarding access, particularly in winter.

On another matter, at present the current owner uses the site (hardstanding, side access and lawn area) to park cars being traded. When permission was granted for a previous bungalow application on this site, one of the conditions was that the raised hardstanding would no longer be used for parking cars, and that permitted further development rights (eg. extensions, alterations) were removed. In the event of this new application being granted, there needs to once again be clarity on restriction of further development and the use of the site for parking, in order to prevent an excessive number of cars being parked-up on the site, and a change in character of the residential site towards semi-commercial. Indeed, the previous application was granted with the strict stipulation that the hardstanding area should revert to amenity garden with a natural barrier to prevent its use for parking.

4. Close proximity to surrounding properties:

Our 4th concern is that the proposed development allows insufficient distance between the existing property and the proposed bungalow assuming that the 23m back-to-back standard applies. In many local authority building standards, where the ground slopes, an increased distance is required eg. so that for every half metre difference in height, the distance in the standard is increased by one metre. The land on which this development is proposed has a considerable slope. On this basis, there does not appear to be sufficient distance allowed between the proposed dwelling and the existing property on the plot. There also appears to be insufficient account taken of overlooking from neighbouring properties and the loss of their visual amenity.

Of utmost significance, we do not consider that the available plot has sufficient space to fit the property, car parking and garden space as specified in the proposal and in statute. We are concerned that something will have to give, and that the proposal does not comply with the bare minimums for space as required by DBC and other bodies.

5. Lack of detail provided on external dimensions (depth, width, height):

The plans given provide most of the internal dimensions for rooms, but no definitive dimensions for the external depth, width and most importantly, the maximum height of the proposed bungalow. Despite emails and phone calls to the case officer, we have not received any reply to our request for this basic and essential information. Extrapolations have been possible for depth and width, taking into account the external and internal walls to arrive at 10.4m depth and 9.35m width. However, these dimensions, together with the maximum height, remain to be definitively confirmed by the agent.

An associated concern is that the plans indicate the proposed dwelling to be at ground level at the downhill side. If this is adhered to, then the uphill part of the site is to be excavated below the current ground surface by a considerable depth approaching or exceeding 1 metre, as indicated on the plans. In the event that this planning application is passed, then this level of excavation should be stipulated in detail. It would be only too easy to partially excavate, and use the excess spoil to build up the height of the downhill area, saving the cost of removal, and raising the height of the house. The consequences for drainage, overlooking and other factors would be considerable. With the uphill part of the proposed development set significantly below current ground surface level, there is no indication provided as to how the resultant bare earth wall on the boundaries with neighbouring properties would be adequately stabilised without eating into the statutory minimum width of one metre between a new property and the surrounding boundary fence. There is equally no information as to how the current wall of the existing hardstanding would be stabilised with very significant excavation at its foot. With insufficient detail in the plans, there is a very high risk that the development will creep from the supposed plans, and fail to meet statutory requirements at the time of building. A case of it is easier to beg forgiveness afterwards than to seek permission in advance.

6. Setting an adverse precedent / NPPF policy and principle:

The development, if approved by the planning service, would create a precedent which could encourage the practice of garden grabbing in the area, and may lead to a change in the overall character of the residential area.

We are aware of the various policies contained within the Core Strategy for Dacorum 2006-31 which directs residential development to towns and large villages, and the Councils remit to address a need for additional housing within the Borough. However, the Government's legislation connected to the NPPF (National Planning Policy Framework, published 27.03.2012) has come into force since the Dacorum Core Strategy was published. By taking gardens out of the brownfield category and back to greenfield status, the new NPPF better enables councils such as Dacorum to protect a garden from inappropriate development, especially where it is objected to with justification, by members of the local community.

As an addendum to the objections above, we would also like to point out that there are several inaccuracies in the completion of the planning application form itself, which does not create a reassuring precedent for the entire application. Errors include:

Use of an outdated OS map approximately 30 years old for site location plan, as No. 7 Belswains Lane, (built in the late 80s) isn't even on the map!

Under-reflection of the number of car-parking space on the current site incorrectly identify 2 x 2-bedroom houses as existing, whereas there is just 1 x 2-bedroom house.

In summary, our objections relate to safety, precedent, inadequacy of information, and a failure to take into account vital issues in this development. For this reason, we consider that it is essential that the matter be considered by Committee, given the very significant matters that have not been addressed in this application.

9 Belswains Lane - further comments

Additional Comments/objections:

1. Details of excavation depth:

Subsequent to our written objection, we have been able to enlarge the details on the plan as submitted in the proposal for the bungalow. The survey heights are given on the plan, showing that the downhill edge of the bungalow is at a datum of 45.18m, while the uphill part is at a ground surface of 46.78m approximately, as shown on the diagram. The uphill part of the bungalow has therefore to be excavated 1.6m below current ground surface in order to be horizontal, as demonstrated by the submitted plans. This is over 5 feet (1.6m) below the surface, or approaching the height of a person at the deepest part.

Stabilising the resulting earth wall to neighbouring properties will be a significant issue, as an earth wall of this height will be liable to collapse unless supported to a great extent with deep footings and braces. The fence line will have to be respected, and the existing fences will need some sort of support as they now run along the edge of the excavation. In addition, part of this excavation is very close to an adjoining property, and any shift in the soil or changes in soil water content could cause potential problems. No details are given in the planning application as to how the excavated earth wall face (ranging from a depth of 1.6m narrowing to zero over the length of the bungalow) will be supported within the space allowed for, between the proposed bungalow and the boundary of neighbouring properties, given the minimum space required by law between a development and the edge of the property is one metre minimum.

None of these issues appear to have been taken into account when permission was granted for the first bungalow application, and they should certainly be considered in great detail when reviewing this new application.

2. Details of garden length:

The available garden length is 27m from the end of the hardstanding to the bottom fence. The garden for the proposed property is set at 11.5m according to regulations. The building, as drawn on the plans, is estimated to be 10.4m in length (the precise dimensions have not been provided, despite repeated requests). This appears to allow only 5.1m for parking between the front of the property and the retaining wall of the current raised hardstanding (not the 7.47m indicated on the plans) This current retaining wall is already well over a metre high and, due to the excavation required for the bungalow, will require an additional 5ft (1.6m) depth excavation below current height making a total height of between 2.5 3m. The parking area is limited, with cars literally outside the front door. It should be noted that the parking area and the access road will slope downwards toward the house, so that rainwater run-off will move downhill towards a building which is already below ground level. The whole matter of rainwater discharge is not addressed, and with the additional rainwater drainage from the bungalow added to the flow over the paved surfaces, it is difficult to see how a simple soakaway would cope. Digging a soakaway in the lower garden of the property is NOT an option, as it would be within the Root Protection Area of the mature ash trees.

7 Belswains Lane

I do have objections around the proposed development which I have outlined below.

While a single storey bungalow will bring a fairly small amount of visual intrusion (my upstairs bedroom window will look out over it) I do envisage that there will be significant increase in noise levels as the proposed car parking area/front of house would be in close proximity to my garden/ back living area. On a more general point obviously this will increase traffic levels but would the parking spaces provide sufficient space to allow vehicles to turn around, will they need to reverse onto the busy main road close to the junction.

The proposed development is a very "tight" fit for the site and would resulting in the removal of most of existing rear garden that is not in keeping with the existing surrounding properties.

Once again the removal of the Douglas fir would result in my upstairs bedroom window becoming visible from the living area of the existing bungalow that is on the site. I assume I can remedy this by planting a mature tree(s) on my side of the fence as a replacement although it does seem a shame to lose such a well-established tree.

More importantly the proposed development will be meters from my property and specifically from the plans there looks like there will be a considerable amount of excavations in close proximity to my fence line and property. This is a cause for a real concern as both the fence line would need to be supported and the excavations/soil movements could cause potentially serious shift problems to my property. It's not clear to me from the plans how this would be addressed nor is it clear to me if the development is the minimum required distance it needs to be from an existing property. In addition my property isn't even on the [Site Location Plan - 23/11/2016](#)).

Finally again the purposed plan confuses me for example how will the hook up to the main sewer etc from its position in the garden will it be pumped uphill?

Councillor John Birnie

Further to yesterday's call in request, I am concerned about over development, separation and overlooking and damage to trees on adjacent property.

I forgot to add that I cannot agree that overlooking would not be a problem with the parent house, which may not always be in joint ownership, nor with the immediately adjoining St Alban's hill property. There is also no possibility of meeting the back garden 11.5m requirement - hence over development.

I confirm that I would like to call in this application if you are minded to grant. I fear that the vehicle exit on to this main road is dangerous.

Environmental Health

Advises that any permission which the Planning Authority may give shall include the conditions below:

- 1) Building work and all related activities on the site, including deliveries and collections shall only take place between 7:30am and 6:30pm on weekdays (Monday to Saturday inclusive) and no work shall take place on site on Sundays or Bank Holidays.
- 2) No waste material, wood or other material shall be burnt on site at any time.

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

recommends that permission be refused for the following reasons:

Hertfordshire County Council as Highway Authority refuses the proposed development, for the reason given below.

REASON

1. The applicant has failed to show that the two perpendicular parking spaces proposed in document "Wren naj 07a 2016 Revision A" to the front of the existing house will allow cars to park without overhanging the footpath.

Manual for Streets 8.3.48 to 8.3.58 states that the recommended dimensions of off-street parking bays are that they are laid out as a rectangle at least 4.8 m long by 2.4 m wide for the vehicle, along with additional space as set out in Inclusive Mobility. These must be located on land within the ownership of the applicant.

The measurement from the back of the footpath to the house is 4.5 m at its widest point, therefore any cars parked perpendicular to the footpath will be obstructing the public footpath, causing danger and inconvenience to users of the highway.

INFORMATIVES

1. The applicant is required to provide a swept path analysis to show that manoeuvring space is sufficient to allow vehicles to enter and leave each of the three parking spaces for the new house in forward gear.

St Albans Hill is an classified "C" road, with low pedestrian traffic and a speed limit of 30mph. Vehicles are required to enter and leave the site in forward gear.

Hertfordshire Environmental Records Centre

We do not hold any biological records (species or habitats) for the application site.

The site is an urban garden and is unlikely to be of significant ecological value. As vegetation is likely to be removed during the development process I would only caution against breeding birds with the following informative.

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Relevant representations from previous application

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:

Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

Conditions

1. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. 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.

2. 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.

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

Highway Informative

1. The Highway Authority requires the alterations to or the construction of the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to the Mid West Hertfordshire Highways Area Office (Telephone 0300 1234047) to arrange this, or use this link:- <http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo/>

2. 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.

3. 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.

Comments

This application is for the construction of a new detached dwelling on land behind 8 St Albans Hill, Hemel Hempstead.

Parking

Three new off street parking spaces will be provided for the new dwelling, while the existing dwelling will have one parking space on a new hard standing to be constructed in the front garden.

Access

The site is already served by an existing vxo, leading to the rear of the property. This will be dedicated to the new dwelling, while a new VXO is required to give access to the new parking space to be constructed for the existing property.

St Albans Hill is an classified "C" road, with low pedestrian traffic and a speed limit of 30mph.

Conclusion

HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity and does not wish to object to the grant of permission, subject to the condition and informative notes above.

Contaminated Land

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend 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).

Environmental Health

Notice is hereby given that the Environmental Health Department does not wish to restrict the grant of permission.

The proposed development will be subject to traffic noise arising from vehicles using St Albans Hill. However, from the application it appears that the existing property, number 8, is to remain at the front of the site, facing onto St Albans Hill and this building will therefore act as an effective noise barrier for the proposed dwelling. Also the internal arrangement of the proposed dwelling will assist further in reducing exposure to noise. I therefore do not feel that it is necessary to request the submission of a noise survey for the proposed development.

The construction phase of the development has the potential to give rise to noise and dust which may affect nearby residents. Please make the Developer aware of the following advisory notes:-

Advisory Notes

Noise on Construction/Demolition Sites

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Construction of hours of working – plant & machinery

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.

Contaminated Land

If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.

Dust

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

Bonfires

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

Environmental Health - further comments

As a proposed domestic dwelling, rather than a business, it must be assumed that vehicle numbers will be limited. Consequently, I consider that whilst audible, the vehicle noise would not amount to a statutory nuisance due to infrequency / effect on existing residents.

Hertfordshire Environmental Records Centre

1. We have no ecological data from the site, although there is information to suggest there was a former garden orchard on the site. The site is currently residential garden land.
2. The proposals will not affect the two mature trees that are present at the end of the plot. Whether any fruit trees now remain is not known, but loss of one or two small examples would have a low ecological effect locally.
3. I consider the existing garden plot is unlikely to have any significant ecological interest that would represent a constraint on the proposals.
4. I note the intention for hedgerow planting along one of the boundaries, which would be supported. There is almost no opportunity for any other local enhancements given the size of the site.

I thought from the details and APs that the trees for removal were pretty small – if possibly fruit trees on a short root stock. I didn't look at the arb report if there was one. They were quite different from the trees at the end of the site. As such they are most unlikely to support a roost, which would be the main concern. Even if they did, a replacement roost could be provided in the form of a box. If photos of the trees can be provided I can provide a more reliable view on this. However, the trees would need to be of a sufficient size and age in order to support potential roosting features (e.g. hollow trunk, broken limbs with split ends, peeling bark, rot holes, cavities, climbing vegetation providing cover etc.), and I have no reason to consider these trees are suitable in this respect. Bats may have been seen foraging around the trees and garden, but that is another matter and would not preclude development.

Hertfordshire Environmental Records Centre - further comments

The photos are helpful – I wasn't thinking of this tree being affected. However the Douglas fir is a prominent tree and potentially large enough to support bats but it looks in good condition and potentially with limited dieback if any. If the trunk has no climbers (it won't be evergreen) and no cavities (unlikely) I would think it is highly unlikely to support a bat roost, although it

could be used as a foraging route locally.

In any event, if approval is given and felling is required, the possible presence of a bat roost is still a consideration by whoever is felling the tree as bat roosts remain fully protected. In this sense the protection of bats ought to be achieved, but I still don't think it is justified to require a bat assessment prior to determination unless the neighbours are clear that bats are actually emerging from the tree itself.

Considerations

Policy and principle

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Similarly, Policy CS4 of the Core Strategy directs residential development to the towns and large villages, including Hemel Hempstead, and within established residential areas, where the application site is located. Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the Borough.

Specifically, the provision of new dwellings is supported in principle by Policy CS18 of the Core Strategy, and saved Policy 18 of the Local Plan.

In summary, the principle of residential development is acceptable in this location. Further, there is strong policy support for the provision of new housing.

Density and layout

With respect to layout considerations, the current application has a reduced garden depth from the previous approval. It is considered the proposed garden depth of 10.7m, although short of the 11.5m minimum standard would not be unacceptable bearing in mind the limited shortfall of 0.8m and that the garden area would be functional and acceptable for a dwelling of the size proposed (three bedrooms).

The proposal would result in a density of 29 dwellings per hectare (based on two dwellings on a plot of 684m²). This would accord with the existing density range for the area which is generally in the medium range of 25 to 35 dwellings per hectare within HCA18 - Belswains. Area Based Policies Supplementary Planning Guidance (Development in Residential Areas) states that numerical density is one factor to be considered and balanced against others in area policies.

HCA18 - Belswains Development Principles state that dwellings should normally front the road and follow established formal building lines. This is echoed by the Area Based Policies Supplementary Planning Guidance (Development in Residential Areas) which discourages tandem development as a common form of backland development, but certainly the most inefficient, problematic and unsatisfactory.

When considering the acceptability of the proposed tandem layout, it should be noted that whilst dwellings generally front St Albans Hill, there are numerous examples within the vicinity where dwellings do not have a direct relationship with the street. This includes dwellings off Belswains Lane (on Franklin Close) to the south-east of the site, and No. 7 Belswains Lane.

Dwellings on St Albans Hill do not display a consistent building line, and buildings themselves extend well into their plots, including No. 10 St Albans Hill. Additionally, the main area of parking currently serving the application site is located to the rear.

Further, the siting of the proposed dwelling proximate to existing houses at Nos. 7 and 9

Belswains Lane ensures it would not appear isolated or an anomaly in the context of the immediate area, which also weighs in favour of the proposal.

The parking areas for both the existing and proposed dwellings are considered sufficient.

Taking into account all of the above factors, the proposed density and layout is considered acceptable noting the site's specific location adjacent to a commercial use and in an area where the residential pattern of development is varied, noting infill development off Belswains Lane to the south-east of the site. The proposal therefore would not conflict with the objectives of Policies CS11 and CS12 of the Core Strategy.

Refuse areas would be incorporated within the site for both the existing dwelling and the proposed dwelling.

Impact on street scene

The proposed dwelling would be largely concealed from St Albans Hill due to the steep fall in levels across the site, such that the proposed dwelling would be located on 2.7m lower ground compared with the existing dwelling. Only the highest part of the roof would therefore be visible from the principal street scene.

The development would be well-concealed from Belswains Lane due to thick boundary treatment to No. 7 Belswains Lane.

The proposed bungalow would ensure the dwelling would be commensurate with neighbouring properties on St Albans Hill in terms of scale and height. As noted above there would be limited views of the dwelling from St Albans Hill.

With respect to the form of the development, the proposed dwelling would be suitably balanced with a central ridge and wide wall spacing between windows which is acceptable.

External materials proposed include render and larch cladding to walls, concrete interlocking roof tiles and aluminium openings which would be acceptable. The schedule of materials to the proposed dwelling would not raise any objections noting the mix of dwelling forms, materials and finishes found along St Albans Hill.

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

Impact on trees and landscaping

The proposal would result in the removal of vegetation within the rear garden and particularly the removal of one Douglas fir tree which is visible from the street and adds to the landscape character of the site.

Although it would be desirable to retain the fir, no objections have been raised to its removal.

A new private amenity area is proposed to the rear of the donor dwelling at No. 8 which is currently occupied by hardstanding used for parking.

If planning permission is granted, a condition would be attached requiring details of landscaping and planting to offset the loss of vegetation. Landscaping details would also include boundary treatment and hardstanding material to ensure a satisfactory appearance to the development under Policy CS12 of the Core Strategy.

Impact on neighbouring properties

When compared to the previous approval, the increase in built form proposed under the current application is located to the rear where there are two neighbouring properties at Nos. 7 and 9 Belswains Lane.

No. 9 Belswains Lane is located proximate to the rear boundary, however this neighbouring dwelling does not have a direct relationship with the application site (its rear orientation is towards the north-east). The proposed dwelling would be sited 10m from the shared boundary, 1.5m closer than the previously approved building. This is considered to be a sufficient distance so that the development would not result in an adverse loss of light or visual intrusion. Its single-storey scale would ensure there would be no unreasonable overlooking between the properties.

The proposed building would extend further rearward beyond the previous approval and this addition to the approved scheme would not be located within the direct line of sight of main habitable room windows to No. 7 Belswains Lane.

In terms of the front part of the building, the proposed development would not encroach closer to or beyond the rear (northern) wall of the neighbouring dwelling at No. 7. It was noted in the previous report that the proposed dwelling would have an eave height of 2.35m closest to the shared side boundary (approximately 1.6m above existing ground level noting there would be excavation to lower the dwelling). At this point it would not intrude into a 45° line taken from the nearest habitable room window as demonstrated on the plan. It is therefore considered the development would not have an adverse impact on No. 7 in terms of visual intrusion or loss of light. There would be no adverse looking between the proposed dwelling and No. 7.

The application site has three other directly adjoining properties, including Nos. 6, 8 and 10 St Albans Hill to the north-east. The front elevation of the building remains unchanged in its form and siting and as such the relationship between the development and neighbours on St Albans Hill would be that as considered under the previous application.

The proposed dwelling would maintain a minimum distance of 23m from windows of Nos. 6 and 8 St Albans Hill. Its position on lower ground would also ensure there would be no adverse overlooking.

The minimum distance between windows of the proposed dwelling and No. 10 St Albans Hill would be approximately 13.5m on plan view. However, the proposal would not result in unreasonable levels of mutual overlooking for a number of reasons. The proposed dwelling would be sited on lower ground approximately 2.7m lower than ground levels of Nos. 8 and 10 St Albans Hill, where the retaining wall (to be retained) would act as a screen between windows. The proposed dwelling also would not have a direct relationship with No. 10 (No. 10 is located slightly to the east of the direct line of sight of the proposed dwelling). Boundary treatment could also be conditioned in this location to prevent unreasonable overlooking (landscaping condition to be applied as noted in previous section).

It follows that the proposal is in accordance with Policy CS12 of the Core Strategy.

Impact on car parking

The submitted block plan identifies parking for up to five cars, including two car spaces in front of the existing dwelling and three within the forecourt of the proposed dwelling.

With respect to the existing dwelling, the dimensions of the forecourt would be insufficient to accommodate two spaces in a side-by-side arrangement as shown. One space could be achieved to minimum dimensions in this location. The existing dwelling of three bedrooms would therefore have one parking space which is acceptable noting the site's location within a town.

The proposed dwelling features a parking area which would be of sufficient dimensions for two car parking spaces which could be reasonably accessed and exit the site in a forward direction. This is considered adequate parking provision for the new dwelling which would contain three bedrooms.

As such, the proposal would result in a total of three on-site car parking spaces. Whilst technically short of the maximum parking standard of 4.5 spaces set out in saved Appendix 5 of the Local Plan, this is considered an acceptable level of parking provision noting the site's location within a town.

Further details of on-site parking shall be sought by condition if planning permission is granted as to the manoeuvrability and allocation of these spaces in accordance with Policy CS12 of the Core Strategy.

The highway authority did not previously raise any concerns with the utilisation of the existing vehicle crossover to St Albans Hill from either the existing or proposed dwelling and the proposal therefore accords with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

With respect to suggested conditions by the highway authority, it is considered reasonable to include the condition requiring minimum dimensions of parking spaces. Methods of disposal of surface water can be dealt with by the inclusion of a landscaping condition.

Sustainability

The development would ensure an appropriate overall sustainable performance through the implementation of modern building regulations. It is therefore considered that the application meets the objectives of Policy CS29 of the Core Strategy.

Community Infrastructure Levy (CIL)

The application is CIL liable if it were to be approved and implemented. 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 1 July 2015. This application is CIL liable.

The Charging Schedule clarifies that the site is in Zone 3 within which a charge of £100 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 matters

Due to the garden size and the impact that further development may have on the amenity of neighbouring properties, permitted development rights of Class A (extensions and alterations) and Class E (outbuildings) would be removed by condition if planning permission is granted.

With respect to contaminated land matters, the standard contaminated land conditions shall be applied if planning permission is granted based on above advice.

Based on advice received from the county ecologist the Douglas fir notated for removal would not raise any environmental issues regarding bats.

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 occupied 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, and allocation of spaces.**

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 Dacorum Core Strategy.

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

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

- 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: 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 Dacorum Core Strategy 2013.

- 5 **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 5 to 9 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 9 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,
 - archeological 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 offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

6 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.

7 **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.

8 **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 5 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6, 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 7.

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>

- 9 **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.**

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 Dacorum Core Strategy 2013.

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

Schedule 2 Part 1 Classes A and E

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of the locality in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

**Site Location Plan
Wren naj 07a 2016 Revision A
Wren naj 07b 2016**

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 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) 2015.

Highways Informative

1. The Highway Authority requires the alterations to or the construction of the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to the Mid West Hertfordshire Highways Area Office (Telephone 0300 1234047) to arrange this, or use this link:-

<http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo/>

2. 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.

3. 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.

Environmental Health Informative

Noise on Construction/Demolition Sites

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Construction of hours of working – plant & machinery

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.

Contaminated Land

If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.

Dust

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

Bonfires

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

Contaminated Land 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>

Agenda Item 5e

Item 5e

4/03127/16/FUL – REPLACEMENT DWELLING

POOKS HILL, GOLF CLUB ROAD, LITTLE GADDESSEN, BERKHAMSTED, HP4 1LY



LOCATION PLAN

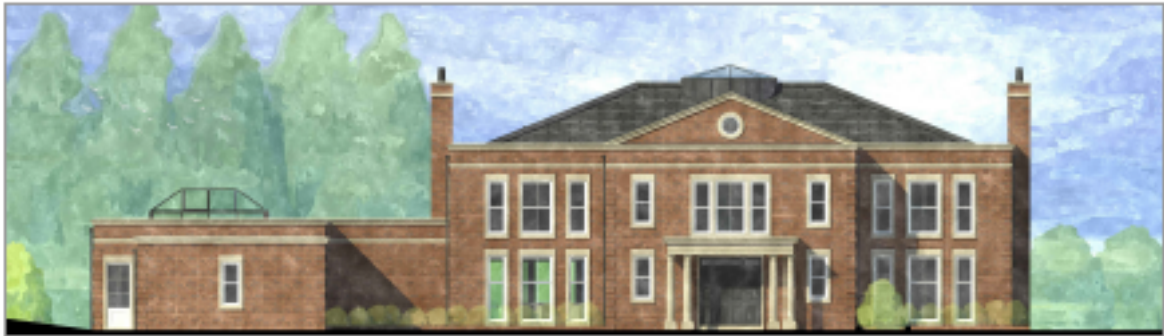
Scale 1:500



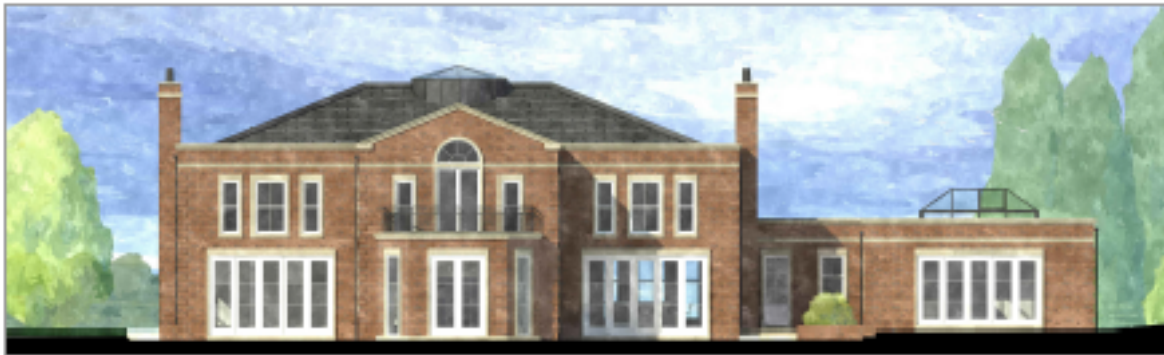
Item 5e

4/03127/16/FUL – REPLACEMENT DWELLING

POOKS HILL, GOLF CLUB ROAD, LITTLE GADDESSEN, BERKHAMSTED, HP4
1LY



FRONT ELEVATION



REAR ELEVATION

**4/03127/16/FUL - REPLACEMENT DWELLING.
POOKS HILL, GOLF CLUB ROAD, LITTLE GADDESSEN, BERKHAMSTED, HP4 1LY.
APPLICANT: Mr & Mrs Fullerton.**

[Case Officer - Rachel Marber]

Summary

The proposed replacement dwelling would not result in detrimental impact to the openness of the Rural Area, AONB or Grade II* Listed Historic Park. In addition, the new dwelling is not considered to have an undue impact upon the residential amenity of the neighbouring residents. The proposed development therefore complies with the National Planning Policy Framework (2012), policies CS1, CS2, CS7, CS8, CS10, CS11, CS12, CS24, CS25, CS26 and CS27 of the Core Strategy (2013) and saved policies 18, 21, 23, 52, 97, 99, 100 and appendices 3, 5 and 7 of the Local Plan (2004).

Site Description

The application site is located to the north of Gold Club Road, Little Gaddesden; which is private road in the golf club. The application site currently comprises a detached mid-20th century dwellinghouse which varies between one and two storey in brick with a concrete tiled roof. The site is located with an Area of Archaeological Significance, Area of Outstanding Natural Beauty, Rural Area and within the grounds of the Grade II* Listed Ashridge Estate. The dwelling is generously set back from the street, with the frontage and surrounding area heavily landscaped. Ashridge Golf Club surroundings the site from the north and east. The west side of the site is surrounded by other detached residential properties in a similar rural setting, with evidence of large extensions and reconstructed dwellings in the vicinity.

Proposal

1. The application seeks permission to construct an enlarged two storey replacement dwellinghouse.
- 2.
3. The replacement dwelling would be a T-shaped Georgian style build with two side projecting wings in addition to a further single storey side wing. It would feature a hip roof with central roof lantern and a front portico; the single storey side wing would have a flat roof.

Due to concerns raised by consultees, the following amendment to the proposed replacement dwelling were made:

- Garage reduced from 3 to 2 bays and detached from the main house
- Garage reduced in height by 675 mm
- Glazed element of roof lantern reduced in angle/height
- Chimney added to side elevation

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Little Gaddesden Parish Council

Planning History:

4/02109/16/LDP THREE SINGLE STOREY REAR EXTENSIONS
Granted
28/09/2016

4/04056/15/FHA CONVERSION OF EXISTING GARAGE AND CONSTRUCTION OF
DETACHED DOUBLE GARAGE
Granted
05/02/2016

4/00895/98/4 CONSERVATORY TO EXISTING ANNEXE
Granted
17/07/1998

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS1- Distribution of Development
CS2 - Selection of Development Sites
CS7 - Rural Area
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 - The Chilterns Area of Outstanding Natural Beauty
CS25 - Landscape Character
CS27 - Quality of the Historic Environment
CS26 - Green Infrastructure

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 23 - Replacement Dwellings in The Green Belt and The Rural Area
Policy 51 - Development and Transport Impacts
Policy 97 - The Chilterns Area of Outstanding Natural Beauty
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Appendix 3- Gardens and Amenity Space
Appendix 5 - Parking Provision
Appendix 7 - Small-scale House Extensions

Constraints

Area of Archaeological Significance
Area of Outstanding Natural Beauty
Park or Garden of Special Historic (Ashridge Estate)
Rural Area
Special control for Advertisements

Summary of Representations Received:

DBC Contaminated Land

"The site is located within the vicinity of a potentially contaminative former land use (infilled pond/unknown filled ground). Consequently there may be land contamination issues associated with this site, in particular the potential for ground gas issues. I recommend 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)."

HCC Highways

No Objection

"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.

Description of the Proposal Replacement residential dwelling

Analysis

A Design and Access Statement and a Transport Statement or Assessment were not required as part of the application due to the small size of the proposed development. This is in line with Roads in Hertfordshire: Highway Design Guide requirements. Highway Impact Trip Generation The trip generation profile is not required as the proposed development is unlikely to impact on the overall function of the local highway network.

Road Safety

There are no collisions recorded within the vicinity of the development site. Given that the development is unlikely to add trips to the road network, it is also unlikely that the changes to the development site will negatively impact the safety of the highway.

Vehicle Access

The proposed new replacement home at Pooks Hill is accessed via Golf Club Road . Looking through the application form there are no plans to change the current access arrangements which is confirmed in section 6 of the application form attached to this submission. HCC road hierarchy states that Golf Club Road does not form part of the adopted public highway. As a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways.

Conclusion

The assessment does not indicate any significant issues with the proposal to change the use of the workshop to a home. The highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informatives."

DBC Strategic Housing

"Due to the number of units being developed, the site will be exempt from any affordable housing contribution."

Herts Property

No Comment

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.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team (development.services@hertfordshire.gov.uk).

Herts Wildlife Trust

"The submitted bat survey revealed 2 bat species roosting in the building and states that a European Protected Species Mitigation Licence (EPSML) is required. Before determining this application, the LPA should make sure they show regard to the answers to the 3 tests of the European Protected Species Mitigation Licence when making their decision. The LPA should request this information from the applicant before a decision can be made.

Once this information has been received and and if all other matters are acceptable, the following condition should be applied to the decision. The suggested condition is adapted from the British Standard BS 42020 Biodiversity code of practice for planning and development:

Condition:

Any works that disturb identified bat roosting places identified in the ecological appraisal (Cherryfield Ecology 13/09/2016) shall not in any circumstances commence unless the local planning authority has been provided with a licence issued by pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 and to ensure biodiversity is conserved and enhanced in accordance with NPPF."

Building Control

No Comment

Herts Ecology

The site is adjacent to Ashridge Park Golf Course & Cromer Wood Local Wildlife Site (LWS). The LWS is designated for its habitats; however it is unlikely that the application will directly impact the LWS.

The ecology report submitted with the application has provided evidence of two species of bats using the building to be demolished as a summer roost. The applicant has commissioned sufficient emergence surveys and the results have been submitted. I am satisfied that the mitigation strategy recommended by the ecologist is correct and I see no reason why Natural England would refuse to issue a European Protected Species Licence. I would therefore suggest that the mitigation plan recommended in the Emergence and Activity Survey (Cherryfield Ecology, June 2016) is conditioned within any planning decision.

The preliminary ecology report suggests that reptiles, amphibians and breeding birds may be impacted by the application. I would therefore recommend the following two informatives are included in any planning decision.

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2. The area of grass around the proposed development site should be mown/strimmed as short as possible before and during construction to ensure it remains/becomes unfavourable for reptiles and amphibians;

Stored materials (that might act as temporary resting places) are raised off the ground eg on pallets or batons; and any rubbish is cleared away to minimise the risk of reptiles or amphibians using the piles for shelter;

Trenches or excavations are backfilled before nightfall or a ramp left to allow reptiles and amphibians to escape;

Building work should (ideally) be carried out during April-June, when amphibians are more likely to be found in ponds and less likely to be found on site;

If protected species being found, work must stop immediately and ecological advice taken on how to proceed lawfully from Natural England (0300 060 3900) or an ecological consultant.

Historic England (as summarised)

Ashridge is a house of outstanding importance, being one of the finest early 19th century

houses in the country. Its garden and park, developed and embellished throughout the 18th and 19th centuries, are also of national importance. Ashridge is listed as grade 1, and its garden and park are designated at grade II*.

The character of the park was eroded by the piecemeal development of houses in the 20th century. Applications to replace or enlarge these are now quite common. It is important that the replacement of these modern houses should not be allowed to erode the historic and aesthetic character of the Park.

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Herts Archaeology

The development site is in Area of Archaeological Significance No 28, which includes a number of earthworks dating to the medieval and Roman periods, including a Scheduled Monument (SM102).

In this instance, however, I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, since it will largely occupy the footprint of the existing house on the site.

I therefore have no recommendations to make concerning the proposal.

Little Gaddesden Parish Council

Objection

LG Parish Council OBJECTS to this planning application. As referred to in our previous memo (dated 5th December) the Council has concerns regarding the bulk of the application and the siting of the garage block in front of the building line (property next door Fairways had timber 2 bay garage frame granted last year). Unlike other recent developments in Golf Club Drive, this application has a side and rear elevation that immediately abuts open land and is therefore clearly visible. Accordingly any new development should have great sympathy with its surroundings and it is suggested that in this instance this is not the case. Furthermore, the south eastern elevation in particular is starkly overbearing and there is a significant increase in height over the existing dwelling rendering it out of keeping with its surroundings. We believe DBC Saved Plan Policies amongst other policies provide guidance on these issues.

Comments on amended plans:

Little Gaddesden Parish Council does not support these resubmitted plans for Planning Application Number 4/03127/16/FUL.

The Council is of the opinion that the proposed building is too bulky for the plot position, relief and orientation.

Further:

1) The plot is very visible/exposed on TWO sides from the footpaths, Ashridge woodlands and Ashridge Golf Course - mainly because it is the last house of a run of houses on left hand side of Golf Club Drive. Other houses on same side of Golf Club Drive have ONE side facing woodlands/paths and are shielded from view by many metres of woodland.

2) There is a significant relief of the plot, such that it runs downhill to the footpaths/park. This relief will exacerbate the large rear elevation of the property increasing the perception of bulk.

Strategic Planning

The proposed development would comprise the demolition of the existing dwelling and the construction of a new five bedroom detached dwelling. It is noted that the applicant proposes the new dwelling to be located on a similar footprint to the existing dwelling. We note that a proposed Certificate of Lawfulness was granted in September 2016 for the construction of three single storey rear extensions (4/02109/16/LDP). In total, this approved 100 square metres of floor area and 300 cubic metres of volume.

This appears to be a sensitive location given the site's setting in the CAONB and it falling within Ashridge Park.

(i) Use of land

Core Strategy Policy CS17 (New Housing) states that *“existing housing land and dwellings will normally be retained.”* This application results in no net loss of dwellings. Core Strategy Policy CS1 (Distribution of Development) states that *“development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported.”* The Rural Area and CAONB is considered in greater detail below. This should be considered alongside Core Strategy Policy CS2 (Selection of Development Sites) points A1 and especially points (b) and (d).

Core Strategy Policy CS7 (Rural Area) states that small-scale development will be permitted for the replacement of existing buildings for the same uses (ii) and the redevelopment of previously developed sites (v) provided that there is (i) no significant impact on the character and appearance of the countryside. As a general approach there should be greater scope for the amount of new development in this general location when compared to the Green Belt.

Saved Policy 23 of the Local Plan states that *“any new dwelling should not be larger than the dwelling which it replaces; or the original dwelling on the site plus an allowance for any extension that would have been permitted under Policy 22.”* The applicant states that *“the existing dwelling and outbuildings have a floor area of 559.0 m², which is increased to 659.24m² when the GPDO extensions are considered. The proposed dwelling would provide 875m².”*

A view should be taken by the case officer to determine whether the proposal is proportionate taking into account:

- The size of the original dwelling on the site and floor space increases following any previous extensions;
- Any allowance for extensions under Policy 22: Extensions to Dwellings in the Green Belt and Rural Area of the DBLP is also relevant;
- What could be permissible under permitted development rights; and
- Its impact on the openness and character of the Rural Area/CAONB (see below).

We acknowledge that the applicant has provided numerous examples of where the Council has permitted similar or larger sized recent replacement dwelling in the vicinity, although we have not verified the accuracy of the information in each case.

(ii) CAONB and Ashridge Park

We note that the applicants state that *“the design and siting of the proposed dwelling has been carefully planned to enhance the setting and character of the Rural Area and Area of Outstanding Natural Beauty.”* This is followed with: *“whilst the site is located within an Area of Outstanding Natural Beauty, the development would not block any views of attractive features within the landscape.”* The supporting documentation also states that *“the road is characterised by large detached houses set on generous and expansive plots giving it a distinctly suburban impression.”*

As the site falls within the CAONB, Core Strategy Policy CS24 (The Chilterns AONB) and saved Policy 97 (Chilterns AONB) of the DBLP are relevant. Alongside this, Core Strategy Policy CS12 (Quality of Site Design) should be considered. Wherever possible, development should also have regard to the Chilterns Buildings Design Guide in terms of design of vernacular and use of local materials.

As the site is located within the CAONB any impacts of the development should be sympathetic and minimise impacts on the openness and character, local distinctiveness and physical separation of the settlement. It would assist if more references were drawn from these guidance documents to support the proposal’s design principles. We note that the applicant states that *“this proposal is replacing an existing building with a more sympathetically located and better designed alternative and that this should weigh significantly in favour of the proposal.”* We note that the applicant states that *“in terms of the wider area, the road and properties have a very limited presence in the context of the Rural Area and Area of Outstanding Natural Beauty.”*

As the proposal is also located within a park or garden of special historic interest (the Ashridge Park) (Core Strategy Policies CS25 and CS27) the design and any impacts upon this designation should also be carefully considered. We also note that there is a wildlife site to the north and east of the site boundary (Ashridge Park Golf Course and Cromer Wood). In this regard, the Case Officer should consider if the proposal will conserve and enhance the landscape character (as stated within Core Strategy Policy CS25).

(iii) Other Matters

As there are protected or priority species (in the form of a bat roost) within the existing dwelling, the views of the County ecologist should be sought.

Policy 51 (Development and Transport Impacts) and Policy 58 (private parking provision) of the DBLP should be complied with. The proposal would also need to have regards to the car parking standards in saved Appendix 5. The application proposes to provide 5 car spaces which exceeds our maximum based car parking standards by 2 spaces, although we recognise that national policy has now moved away from this approach.

(iv) Conclusion

If you consider that the proposal is acceptable, then to avoid continued expansion of the building and further impact on the character and local distinctiveness, a condition should be applied to any permission which limits any additional extensions, sub-division of the grounds or further domestic buildings in terms of permitted development.

We do not have any objections in principle to the proposed development, as it is noted that the existing building is relatively substantial in scale. However, this would be subject to the requirements of saved Policies 22 and 23 of the DBLP and, any impacts on the Rural Area, CAONB, Ashridge Park and the existing ecology on site.

DBC Conservation

The existing building dates from the mid 20th century. It varies between one and two storey in a brick with a concrete tiled roof. It is of its period has been carefully considered and detailed with a period landscape designed to sit with the dwelling. It may therefore be useful to try to discover who designed the building and further information about its construction. If were to support its demolition it would be recommended that a recording condition be put on the approval and that this record was submitted to the Hertfordshire HER.

Given the qualities of the existing building and the location of the proposed building within the protected parkland area we believe that any new building would need to relate well to the character of the area and have a minimal impact upon the parkland setting. As such we would recommend the design be amended as follows:

It would be recommended that the proportions of the windows be reviewed and that the first floor windows be made slightly smaller than the ground floor windows. In addition it would be beneficial to have 6/6 sashes rather than the proposed 2/2 which appear more contemporary when compared to the principle design. It would also provide a more vertical emphasis to the fenestration. Furthermore it would be recommended that the roof area be reviewed. This could perhaps be lowered so that the ridge height follows that of the ridge of the portico. This would reduce the overall impact of this on the appearance and result in more appropriate proportions. The rooflight could then be reduced in scale and flattened to ensure that it was not visible from ground level. Overall this change would reduce the impact of the building from within the park area. It would also be strongly recommended that an additional chimney stack be added to the left hand side of the main building when viewed from the road to provide balance and symmetry to the elevations. The brickwork should be in a Flemish bond to add visual quality to the elevations as views of the property would be gained from both the road and the golf course.

Recommendation In principle we would not object to the proposal but we would recommend that further research into the history of the house be undertaken and that it be photographically recorded prior to demolition.

The detailing to the dwelling should be reviewed as recommended above in particular the fenestration, roof and chimney detail should be amended. Bricks, brick bond, mortar finish, stone, slate, joinery details and finish rainwater goods, landscaping materials

subject to approval.

Comments received from local residents

Fairways, Golf Club Road

On the amended drawings dated 28th February 2017 the plans show the proposed dwelling and its relationship to my house next door. However they have used the original house siting and not my new house siting that has been erected since late 2011. Please can you get them to do a site drawing showing my house as it actually exists today, as my house sits much more to the side of the Plot nearer to Pooks Hills Plot. I have no objection in principle to what are planning but am seeking assurance that our houses are not almost touching.

Key Considerations

Principle of Development

Core Strategy Policy CS1 (Distribution of Development) states that “development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported.” The impact on the Rural Area and Chilterns Area of Outstanding Natural Beauty is discussed below. Moreover, the proposed development would also be acceptable in accordance with Core Strategy policy CS2 (Selection of Development Sites) due to being located on previously developed land, provided that it has full regard to environmental assets, constraints and opportunities and respects local character and landscape context.

Principle of Development in Chilterns AONB

Saved policy 97 of the Local Plan (2004) and policy CS24 of the Core Strategy (2013) states that the prime planning consideration for development within the Chilterns Area of Outstanding Natural Beauty should give regard to the conservation of the beauty of the area in addition to the economic and social well-being of the area and its communities. Thus, although development is permitted it will be on the basis of its satisfactory assimilation into the landscape. The policy continues to state that every effort will be made to discourage development and operations that would adversely affect the beauty of the area. This preservation of Areas of Outstanding Natural Beauty is reflected within the NPPF (2012). Paragraph 115 of the NPPF (2013) states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Principle of Development in the Rural Area

Under policy CS7 of the Core Strategy (2013), small-scale development would be permitted for 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.

The proposed development would replacement one residential use with another. Whilst the proposal would not contribute to the rural economy or maintenance of the wider countryside it

would also not compromise these two functions and therefore considered acceptable in principle under policy CS7.

Saved policy 23 of the Local Plan (2004) supports this approach noting that replacement dwellings are acceptable in principle in the Rural Area. The replacement dwelling complies with criteria (a) and (b) of saved policy 23 as the dwelling remains in place substantially as built and has been occupied within three years preceding the application, and the dwelling is not a replacement for temporary residential accommodation noting the residential use of the land has been previously established.

Saved policy 23 of the Local Plan (2004) expands upon this guidance criteria stating that dwelling should be no larger than the one it replaces; or the original dwelling on the site plus an allowance of any extension that would have been permitted under policy 22. However, it is important to note that limited weight is provided to saved policy 23 due to the relevance of more recently adopted policy; such as policy CS7 of the Core Strategy (2013) and the NPPF (2012) which do not make reference to the maximum size increase permitted for the replacement dwelling, only that such a proposal would be acceptable provided it has no significant impact on the character and appearance of the countryside.

Bearing this in mind the proposed floorspace and volume calculations for the replacement dwelling are as follows:

	Volume m ³	Floor space sq.m
Original	1555	408
Existing	1712	559
Replacement	2998.68	853.6
Permitted Development	300	100

Given the above calculations the proposed replacement would result in an increase of 149% in terms of floorspace and volume 130% above the size of the existing property including Permitted Development extensions.

Moreover, other properties within the street scene have been replaced to similar size enlargements. Such examples include the increase in floorspace size of the following properties:

Kestrel, Golf Club Road (4/03537/15/FUL): 165% the size of the existing property.

Kinross, Golf Club Road (4/01149/14/FUL): 173% of the original building.

Little Glebe, Golf Club Road (4/01210/11/FUL): 197% increase from original dwelling.

Bequine, Golf Club Road (4/01109/12/FUL): 169% of the existing property.

It is therefore considered given the location of the proposed dwellinghouse, as an end ribbon development, of similar size to the adjacent detached dwellings and heavy landscaping treatment which borders the site that the proposed replacement dwelling would not result in further harm to the visual amenities of the countryside.

As such, given the location and sighting of the application site it is considered that although there is an increase in height and mass compared with the existing house this would not impact on the skyline or open character of the countryside. As such the proposal is in

accordance with policy CS7 of the Core Strategy and saved policy 23 of the Local Plan (2004).

Effect on Appearance of the street scene, Rural Area, Chilterns Area of Outstanding Natural Beauty and the Historic Park

Paragraph 60 of the NPPF states that, *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*

In addition, paragraph 64 of the NPPF states that *'permission should be refused for development of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

In regards to the Grade II* Listed Historic Park Para 32 of the NPPF (2012) states that as heritage assets are irreplaceable and that any harm should require clear and convincing justification. Para. 133 of the NPPF (2012) outlines further that a proposed development which would lead to substantial harm to a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh such harm. This is reflected within Core Strategy policy CS25 which outlines that proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition and take full account of the Historic Landscape Characterisation. Policy CS27 reinforces this stating that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.

Core Strategy (2013), policies' CS10, CS11 and CS12 highlight the importance of good design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the saved Local Plan (2004) policies' 10, 13, 18, 21 and appendix 3.

Golf Club Road comprises of low density suburban housing within a rural area. The immediate street scene is characterised by large detached houses set on expansive plots with generous build lines. Views of properties are contained to the private highway and adjacent woodland and golf course. No uniformed height, style or size of dwelling is evident.

The proposed replacement dwellinghouse would retain the plot positioning of the existing property. As such the replacement would remain 32 metres (approximately) away from Golf Club Road which is lined with a thick hedgerow and treeline. In addition the proposed replacement would retain a 4 to 13 metre (approximate) separation distance to site boundaries, retaining the countryside setting and character of the rural area. The area immediately surrounding the application site is also relatively flat and whilst the site is located within an Area of Outstanding Natural Beauty the development would not block any views of attractive features within the landscape such as a valley, hillside or an important group of trees.

In term of architectural detailing the proposed replacement dwelling would be Georgian in style. There would be an increase in height and mass compared with the existing house. Nonetheless, due to the varied style, size and height of other properties within the immediate

street scene the proposal is not considered to appear incongruous.

Due to the site falling within the Chilterns Area of Outstanding Natural Beauty and Grade II* Listed Ashridge Estate the DBC conservation officer was consulted on the proposal, providing the following comments:

“The existing building dates from the mid 20th century. It varies between one and two storey in a brick with a concrete tiled roof. It is of its period has been carefully considered and detailed with a period landscape designed to sit with the dwelling. It may therefore be useful to try to discover who designed the building and further information about its construction. If were to support its demolition it would be recommended that a recording condition be put on the approval and that this record was submitted to the Hertfordshire HER.

Given the qualities of the existing building and the location of the proposed building within the protected parkland area we believe that any new building would need to relate well to the character of the area and have a minimal impact upon the parkland setting. As such we would recommend the design be amended as follows:

It would be recommended that the proportions of the windows be reviewed and that the first floor windows be made slightly smaller than the ground floor windows. In addition it would be beneficial to have 6/6 sashes rather than the proposed 2/2 which appear more contemporary when compared to the principle design. It would also provide a more vertical emphasis to the fenestration. Furthermore it would be recommended that the roof area be reviewed. This could perhaps be lowered so that the ridge height follows that of the ridge of the portico. This would reduce the overall impact of this on the appearance and result in more appropriate proportions. The rooflight could then be reduced in scale and flattened to ensure that it was not visible from ground level. Overall this change would reduce the impact of the building from within the park area. It would also be strongly recommended that an additional chimney stack be added to the left hand side of the main building when viewed from the road to provide balance and symmetry to the elevations. The brickwork should be in a Flemish bond to add visual quality to the elevations as views of the property would be gained from both the road and the golf course.

Recommendation In principle we would not object to the proposal but we would recommend that further research into the history of the house be undertaken and that it be photographically recorded prior to demolition.

The detailing to the dwelling should be reviewed as recommended above in particular the fenestration, roof and chimney detail should be amended. Bricks, brick bond, mortar finish, stone, slate, joinery details and finish rainwatergoods, landscaping materials subject to approval.”

The proposal was amended in accordance with this advice.

In sum, it is not considered that the proposal would not have an adverse impact on the appearance of the historic park, rural area, Chilterns Area of Outstanding Beauty or street scene and therefore is in accordance with policies CS7, CS10, CS11, CS12, CS24, CS25 and CS27 of the Core Strategy (2013), saved policies 18, 21, 23, 97, and appendix 7 of the Dacorum Local Plan (2004) and the National Planning Policy Framework (2012).

Impact on the Living Conditions of Future Occupants and Surrounding Residential Units

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy. Moreover, saved appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The application site directly adjoins one property located at Fairways to which the proposed replacement dwelling would not breach the 45 degree line as drawn from the rear habitable windows. Furthermore, the two storey element of the proposal would be located approximately 16 metres away from the shared side boundary with Fairways. As such it is not considered that the proposal would result in a loss of daylight or outlook to neighbouring residents.

Due to this separation distance the proposed upper floor side-facing windows within the replacement dwelling directed at Fairways would not give rise to any overlooking concerns. Nonetheless, two out of three of these windows have been conditioned as obscured glazed as they accommodate bathrooms.

Turning to the living conditions the proposal would afford future residents. Saved appendix 3 of the Local Plan (2004) states that garden depths equal to adjoining properties would be acceptable with a functional proposed width, shape and size that is compatible with surrounding area. Saved appendix 3 expands this further outlining that a dwellinghouse should be provided with a minimum 11.5 metre deep garden space; with a larger garden depth provided for family homes. The proposed replacement dwelling would have a garden depth of 25 metre (approximately), which far exceeds this threshold and would be similar in size to adjacent residents.

Thus, the proposed would not detrimentally impact the residential amenity of neighbouring properties and is acceptable in terms of the NPPF (2012), saved appendices 3 and 7 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013).

Impact on Parking and Access

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) 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. Policies CS8 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (2004) promotes an assessment based upon maximum parking standards.

The application seeks to construct a replacement 5 bed dwellinghouse which would result in a policy requirement of 3 off street parking spaces for 4+ bed dwellings in zones 3-4 in accordance with saved appendix 5 of the Local Plan (2004). The proposed application would

have sufficient off street parking provision to accommodate at least four domestic cars.

Hertfordshire Highways were consulted and provided the following conclusive comments:

“The proposed new replacement home at Pooks Hill is accessed via Golf Club Road. Looking through the application form there are no plans to change the current access arrangements which is confirmed in section 6 of the application form attached to this submission. HCC road hierarchy states that Golf Club Road does not form part of the adopted public highway. As a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways.”

Due to Highways raising no objection and sufficient off street parking provision, the proposed development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal meets the requirements of policy CS8 and CS12 of the Core Strategy (2013) and saved policy 51 and appendix 5 of the Local Plan (2004).

Impact on trees and landscaping

Saved policies 99 and 100 of the Dacorum Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

The proposed site contains many notable trees, all which would be retained in the design of the replacement house. The proposed scheme has the potential to provide soft and hard landscaping on site. Details regarding landscaping materials and boundary treatment have been conditioned as part of the grant approval in order to ensure high standard of design for the development.

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 of the Core Strategy (2013) states that proposals should contribute to the conservation of habitats and species.

The demolition of any building carries a risk of harm to bats, subsequently Herts Ecology was consulted on the proposed development and raised no objection subject to the requested informatives.

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 (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 have been submitted and approved in writing by the local planning authority. Details of material shall include:**

**Fenestrations;
Slate
Bricks;
Brick bond;
Mortar finish;
Stone;
Joinery details; and
finish of rainwatergoods.**

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 safeguard the character and appearance of the Listed Historic Park and AONB; in accordance with policies CS12, CS24, CS25 and CS27 of the Core Strategy (2013).

- 3 **Within 6 months of the date of this permission 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; and**
- **trees to be retained and measures for their protection during construction works;**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the historic environment and AONB in accordance with policies CS12, CS24, CS25 and CS27 of the Core Strategy (2013).

- 4 **Both windows serving the bathrooms at first floor level in the west side elevation of the new dwelling hereby permitted shall be permanently fitted with obscured glass and non-opening below a height of 1.7m from floor level.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and future occupiers of the dwelling house; in accordance with Policy CS12 of the Core Strategy (2013).

- 5 **Notwithstanding the provisions of the Town and Country Planning (General**

Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:

Schedule 2 Part 1 Classes A, B, C, D and E

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Chilterns AONB, rural area and historic environment; in accordance with policies CS7, CS12, CS24, CS25 and CS27 of the Core Strategy (2013) and saved policies 23 and 97 of the Local Plan (2004).

- 6 Research into the history of the existing dwellinghouse shall be undertaken and that it be photographically recorded. The details recorded shall be submitted to and approved in writing by the Local Planning Authority prior to the demolition of the dwelling as shown on drawing number 16 490 PL10 A.**

Reason: In the interest of preserving the Historic Character of the Environment, in accordance with policy CS25 and CS27 of the Core Strategy (2013).

- 7 All structures and buildings existing on the site shown on Drawing No. 16 490 PL10 A shall be demolished and the materials removed within 56 days of the first occupation of the development hereby permitted.**

Reason: To safeguard and maintain the character and appearance of the Chilterns AONB, rural area and historic environment; in accordance with policies CS7, CS12, CS24, CS25 and CS27 of the Core Strategy (2013) and saved policies 23 and 97 of the Local Plan (2004).

- 8 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 (8) to (10) 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 (10) 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,
 - archeological 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 offsite receptors in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

9 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 CS12 of the Core Strategy (2013) and the NPPF (2012).

10 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 carrying 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 CS12 of the Core Strategy (2013) and the NPPF (2012).

11 **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 (8) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (8), 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 (9).

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 CS12 of the Core Strategy (2013) and the NPPF (2012).

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>

12 **Any works that disturb identified bat roosting places identified in the ecological appraisal (Cherryfield Ecology 13/09/2016) shall not in any circumstances commence unless the local planning authority has been provided with a licence issued by pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.**

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 and to ensure biodiversity is conserved and enhanced in accordance with policy CS26 of the Core Strategy (2013) and the NPPF (2012).

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

Arboricultural Impact Assessment and Arboricultural Method Statement dating 21st November 2016

Tree Survey Report dating 15th July 2016

Cherryfield Ecology Report dating 16th September 2016

Cherryfield Ecology Report dating 11th July 2016

16 490 PC11C

16 490 PL12C
16 490 PL13B

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

Informative 1 - Ecology

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2. The area of grass around the proposed development site should be mown/strimmed as short as possible before and during construction to ensure it remains/becomes unfavourable for reptiles and amphibians;

Stored materials (that might act as temporary resting places) are raised off the ground eg on pallets or batons; and any rubbish is cleared away to minimise the risk of reptiles or amphibians using the piles for shelter;

Trenches or excavations are backfilled before nightfall or a ramp left to allow reptiles and amphibians to escape;

Building work should (ideally) be carried out during April-June, when amphibians are more likely to be found in ponds and less likely to be found on site;

If protected species being found, work must stop immediately and ecological advice taken on how to proceed lawfully from Natural England (0300 060 3900) or an ecological consultant.

Informative 2 - Article 35 Statement

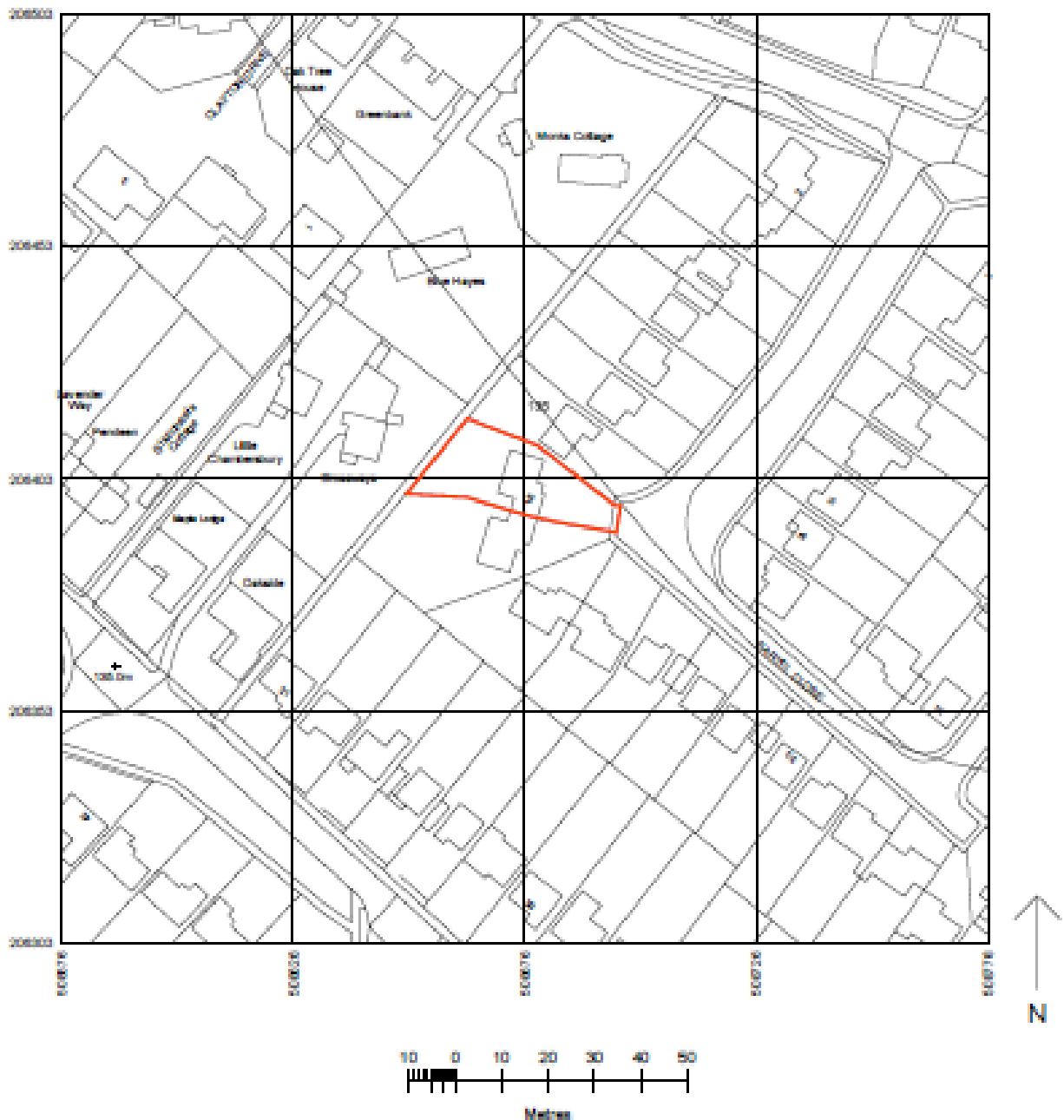
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs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

Agenda Item 5f

Item 5f

4/03444/16/FHA – TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, EXTENDED DRIVEWAY, REPLACEMENT GARAGE ROOF AND ENLARGEMENT OF FRONT PORCH

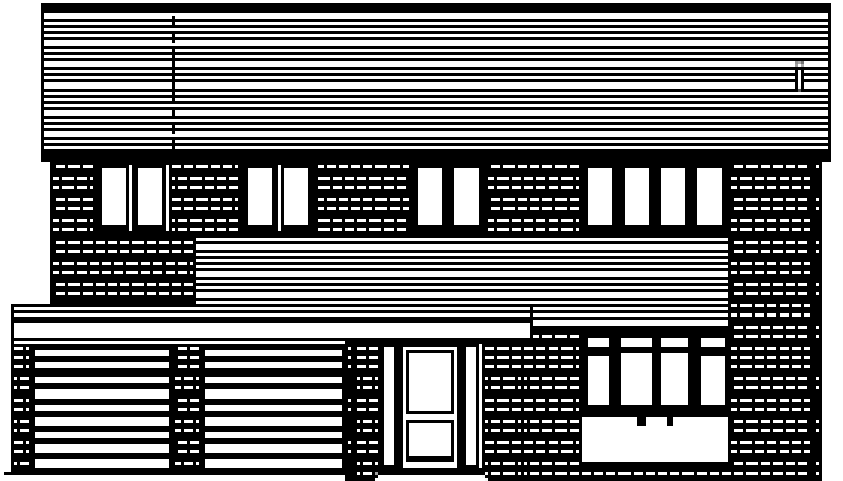
16 BARTEL CLOSE, HEMEL HEMPSTEAD HP3 8LX



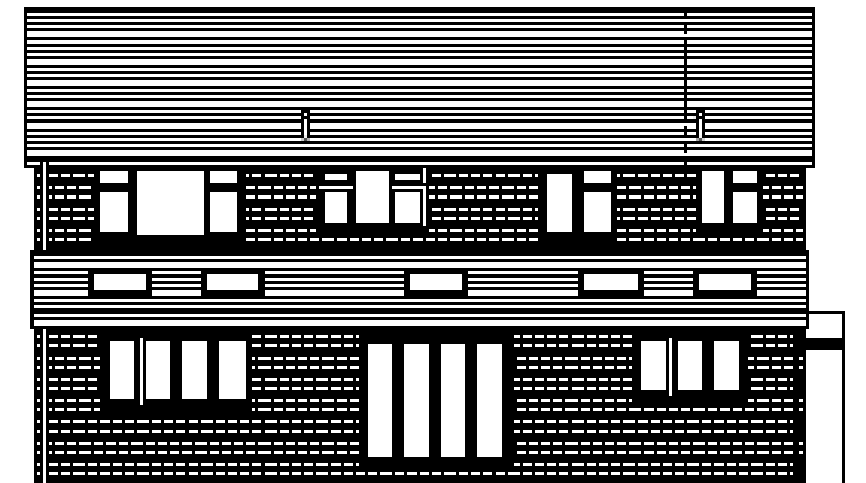
Item 5f

4/03444/16/FHA – TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, EXTENDED DRIVEWAY, REPLACEMENT GARAGE ROOF AND ENLARGEMENT OF FRONT PORCH

16 BARTEL CLOSE, HEMEL HEMPSTEAD HP3 8LX



FRONT ELEVATION



REAR ELEVATION

4/03444/16/FHA - TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, EXTENDED DRIVEWAY, REPLACEMENT GARAGE ROOF AND ENLARGEMENT OF FRONT PORCH.

16 BARTEL CLOSE, HEMEL HEMPSTEAD, HP3 8LX.

APPLICANT: Mr & Mrs MacDonald.

[Case Officer - Rachel Marber]

Summary

The proposed two storey side extension, single storey rear extension, porch enlargement, driveway extension and replacement of garage roof would not detriment the visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with saved appendices 3 and 7 of the Dacorum Local Plan (2004), policies CS4, CS11 and CS12 of the Core Strategy (2013), the NPPF (2012) and HCA28 SPG Character Area Guidance (2004)

Site Description

The application site features a two storey detached dwelling, linked to the neighbouring property through the adjoining garage located to the south west side of Bartel Close which falls within the Leverstock Green East (HCA28) Area Character Appraisal. The site is located on a corner plot on Bartel Close, set slightly further back from the other houses in the street scene. The property features two attached single garages which are accessible via a driveway to the front of property; onsite parking provision is sufficient to accommodate at least 3 domestic cars.

Bartel Close is a cul-de-sac and consequently the application site was build part of a wider road of similarly constructed property. As such, each property is relatively regimented in terms of size and architectural detailing; however some properties within the street scene have been extensively extended or newly built. Nonetheless, the overall character of the Close remains evident.

Proposal

The application seeks permission for the construction of a single storey rear extension, two storey side extension, porch enlargement, replacement of garage roof and driveway extension.

Following neighbour concerns the scheme has been amended to replace the previously provided pitched roof garage with a replacement flat roof.

Referral to Committee

The application is referred to the Development Control Committee due to the following reasons:

- The applicant is a member of Dacorum Staff; and
- Call in by Cllr Sutton for the reasons for loss of daylight resulting from rear extension and impact of development on character of street scene.

Planning History

No Relevant History

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

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

Saved Policies of the Dacorum Borough Local Plan (2004)

Appendix 3- Gardens and Amenity Space
Appendix 7 - Small-scale House Extensions

Supplementary Planning Guidance SPG (2004)

Development Residential Area Hemel Hempstead HCA28 Leverstock Green East

Constraints

Established residential area of Hemel Hempstead

Comments received from consultees:

Herts Highways

Two Storey Side Extension, Single Storey Rear Extension and Extended Driveway

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:

Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

CONDITIONS

1. The proposed car parking space shall have measurements of 2.4m x 4.8m min. 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.

2. 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.

3. 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.

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

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

COMMENTS

The proposal is for Two Storey Side Extension, Single Storey Rear Extension and Extended Driveway

PARKING

The proposal includes extending the driveway to create additional parking

ACCESS

There is an existing VXO onto Bartel Close. No changes are required to pedestrian or vehicular access and no works are required in the highway.

Bartel Close is an unclassified local access road with a 30mph speed limit, so vehicles are not required to enter and leave the highway in forward gear.

CONCLUSION

Subject to the conditions and informative notes above, the proposals are not considered to result in any adverse impact on the public highway and are considered acceptable to the Highways Authority.

Building Control

No Comment

Comments received from local residents:

18 Bartel Close

Objection

The description is not accurate, and does not include the pitched/hipped roof over the garage, nor the enlarged front porch, which are shown on the layout plans.

The proposed development is out of character, over-bearing and not in keeping with the design and appearance of the other linked detached properties in Bartel Close. Please refer to the associated documentation - Appendix 1, showing images of all 12 linked detached properties in the Close. You will see that none of them have a pitched/hipped roof over the garage. Furthermore, this will look incongruous next to my existing flat roof.

Under the terms of the Party Wall etc. Act 1996, I fail to see how such construction on the roof of No 16 will not involve damage to the party boundary wall and trespass onto my garage roof.

Dropped kerbs of 16/18 & 20/22 form part of the public footpath and should be accessible to pedestrians at all times during the period of the construction.

I understand that the main sewer from my property to the main road is situated directly under the proposed single storey rear extension. I would like to know what plans are in place to ensure that no disruption is caused to the sewer during, or after the construction.

I am very disappointed that the Applicant hasn't had the courtesy to contact me regarding the proposed development to discuss their plans.

I understand that you will be conducting a site visit in the near future and would be grateful if you would confirm when this is to take place.

In consideration of the above points, I therefore ask that this application be refused.

14 Bartel Close

Objection

We live at 14 Bartel Close and were surprised to learn of our neighbour's proposed extension as they have not contacted us directly on this matter.

We have several concerns regarding this proposal.

We are concerned about the single storey rear extension because of the loss of light to our garden. The shadow from the extension will impact on the direct sun that we receive because the sun passes to the far side of number 16 from the front to the back and creates significant shadow which will only be increased with the height of the pitch of the roof on the extension and the length of the extension away from the current back wall. I have included the photo evidence of the current shadow at 14:32 on 24th January when the sun was at its highest. The whole of our rear patio was in shade and only one third of the remaining garden was in sunlight, the remainder shaded by number 16 and the fence. Accepting that it is better during the summer, the rear extension must remove light from our garden throughout the

year.

We would also like to comment on the effect of the noise and disruption caused by the building work to our young family, restricting their use of the garden due to the noise and dust created by the work. We also live in a quiet neighbourhood and would therefore like reassurance that the hours worked will not be unsocial.

Whilst the Close is quiet and there is adequate parking we would request that the vehicles associated with the work are parked considerately, as currently our view of the street is frequently obstructed by the applicants own work van which is rarely parked on their own empty driveway.

In closing we would reiterate that we are very disappointed, given the impact both upon our property and the likely significant disruption to our family and the quiet, pleasant environment of the Close that will be caused by this extensive building project taking place immediately next door that the applicants did not take the opportunity to discuss this matter with us.

Cllr Sutton application called in

On behalf of No. 14.

Several concerns have been expressed but I feel that the only one that may carry weight is that the construction of a single storey extension will result in loss of natural light during afternoon/evening.

On behalf of No. 18.

Main concerns are that the potential construction is not truly represented by the plain. There are serious concerns that building over the garage, which includes a party wall, that the integrity of this wall will be compromised thus causing potential damage to the property at No. 18. There are also concerns that work to construct this extension would require access to No. 18 and this would not be granted by the resident at No.18. A further concern that this development would impact on the character of the street scene and also result in over development.

I feel that these are the main issues that have been put forward.

Considerations

Principle of Development

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

Effect on Appearance on Existing Building and Immediate Area

Saved appendix 7 of the Dacorum Local Plan (2004), policies CS11 and 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.

Supplementary Planning Guidance Document, Leverstock Green East Character Area Appraisal (HCA28) (2004) outlines that extensions should normally be subordinate in terms of scale and height to the parent building.

In accordance with the submitted application the proposed extensions and associated alterations would comprise of facing brickwork walls, white UPVC windows and doors and roof tiles, all to match existing. These materials are considered acceptable and in-keeping with the existing dwellinghouse; complying with policies CS12 of the Core Strategy (2013).

The proposed replacement roof on the single garages would retain the appearance of the existing flat roof. The proposed porch extension would elongate this roof form, but as a nominal addition would retain the property's appearance within the street scene.

The two storey side extension would retain the existing dwelling ridge height and be flush to the parent property. This is considered acceptable as the proposed dwelling would be increased only by 2 metres in width and retain a 0.5 metre set in from the property boundary which would maintain the separation distances between dwellings. Moreover, the immediate street scene contains properties with similar flush two storey side extensions such as numbers 24 (4/00340/14/FHA) and 31 Bartel Close (4/01588/11/FHA).

No aspect of the proposed single storey rear extension would be visible from the street scene. As a result there would be no adverse impact on the street scape, preserving both the character and appearance of the existing dwelling house and wider street scene.

No objections are raised in regards to the proposed driveway expansion. The paving over a grassed area to enable an enlarged driveway does not require formally planning consent under Schedule 2, Part 1, Class F of the General Permitted Development Order (2015).

As a result the proposal is not considered to have an adverse impact upon the character and appearance of existing dwellinghouse or immediate street scene. The proposal is therefore in accordance with saved appendix 7 of the Dacorum Local Plan (2004), policies CS11 and CS12 of the Core Strategy (2013), the HCA28 Area Character Appraisal and the NPPF (2012).

Impact on the Living Conditions of Occupants and Surrounding Residential Units

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy. Moreover, saved appendix 7 of the Local Plan advises that first floor alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The two storey side extension would retain the original front and rear build lines of the parent property. For this reason it is not considered that this element would result in a loss of daylight or outlook to neighbouring residents at 18 Bartel Close.

Similarly, the proposed single storey rear extension is not considered to result in a significant

loss of daylight to neighbouring ground floor doors/windows or garden space due to the marginal 3.5 metre depth and 3.8 metre height. It is important to note that a larger single storey rear extension, extending the full width of the property with a 0.5 metre longer depth and 0.2 metre greater height could be constructed without formal planning consent under Schedule 2, Part 1, Class A of General Permitted Development Order (2015).

No further loss of privacy would result from the proposed extension/alterations due to no newly imposed first floor side elevation windows.

A 11.8 metre (approximately) deep garden would be preserved as a result of the proposal; adhering to the 11.5 metre standard external amenity provision outlined in saved appendix 7 of the Local Plan (2004).

As a result the proposal in regards to residential amenity is acceptable in terms of the NPPF (2012), saved appendices 3 and 7 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013).

Highway Safety and Parking Provision

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) 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. Policies CS8 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (2004) promotes an assessment based upon maximum parking standards. The Council's Parking Standards outlined within saved appendix 5 of the Local Plan (2004) requires two/three off street parking spaces for four+ bed dwellings within Residential Zone 1-4. The application does not seek to increase the number of bedrooms and therefore no increase in off street parking provision is required in this regard. The application seeks to enlarge the front driveway of the property increasing off street parking provision to accommodate at least four domestic cars. Hertfordshire Highways were consulted on the proposed driveway expansion and provided the following conclusive comments:

“Subject to the conditions and informative notes above, the proposals are not considered to result in any adverse impact on the public highway and are considered acceptable to the Highways Authority.”

Due to Highways raising no objection and ample off street parking provision, the proposed development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal meets the requirements of policy CS8 and CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (2004).

Consultation Responses:

Several concerns were received as a result of the application. The main concerns are addressed below:

Visual appearance of pitched roof on garage- this element of the scheme has been omitted.

Party wall matters- Party Walls are civil matter which outside the remit of the Local Planning

Authority. The neighbours concerned would be advised to seek the advice of the Citizens Advice Bureau or a solicitor who deals with Party Wall matters.

Location of main sewer- This matter will be considered at Building Control stage. Nevertheless, the agent has advised that the works over the existing drainage line would not affect neighbouring drainage.

Loss of light from rear extension- This is addressed within Section 4- residential amenity above.

Noise during construction work- Resultant noise and disruption from construction work would be for a temporary period only and restricted to 7:30am to 6:30pm on Monday to Saturday with no noisy activities allowed on Sundays and bank holidays.

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, in accordance with policy CS12 of the Core Strategy (2013).

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

06 Rev B
05 Rev A
08 Rev A
04 Rev A

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

Informative 1 -Article 35 Statement

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

Informative 2- Highways

1. 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.

2. The proposed car parking space shall have measurements of 2.4m x 4.8m min. 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.
3. Before the premises are occupied all on site vehicular areas shall be surfaced in permeable paving. 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.
4. 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.
5. 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.

Informative 3- Construction Hours

Noisy construction works are limited to the following:

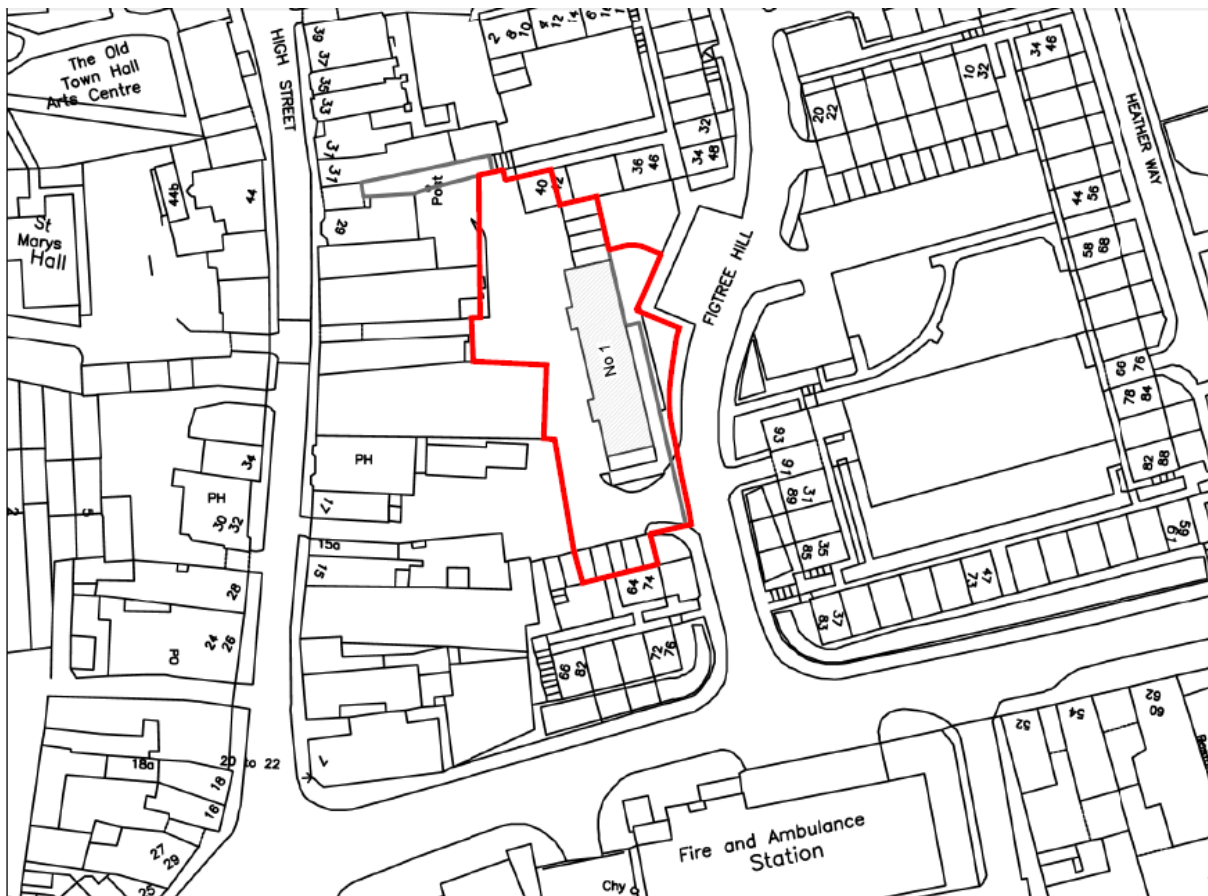
Monday to Saturday - 7:30am to 6:30pm

Sundays and bank holidays - no noisy activities allowed

Item 5g

4/03266/16/ROC – VARIATION OF CONDITIONS 5 (HARD SURFACING MATERIALS – CHANGE OF AMENITY AREA TO CAR PARKING) AND 18 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00779/15/MFA (DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOUREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING.)

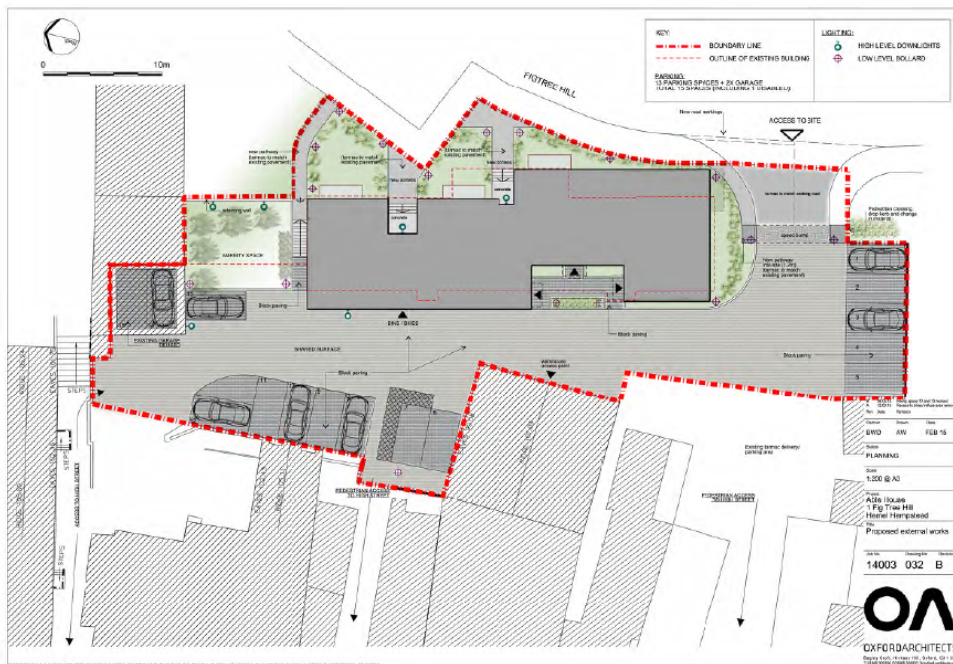
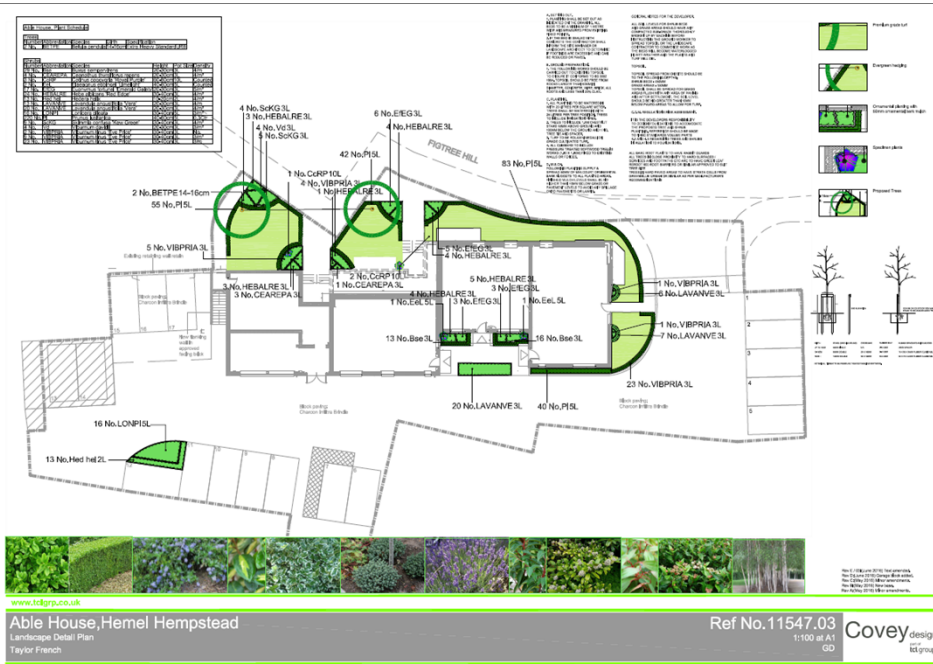
ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XH



Item 5g

4/03266/16/ROC – VARIATION OF CONDITIONS 5 (HARD SURFACING MATERIALS – CHANGE OF AMENITY AREA TO CAR PARKING) AND 18 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00779/15/MFA (DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOUREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING.)

ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XH



4/03266/16/ROC - VARIATION OF CONDITIONS 5 (HARD SURFACING MATERIALS - CHANGE OF AMENITY AREA TO CAR PARKING) AND 18 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00779/15/MFA (DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING.).
ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XH.
APPLICANT: DAVID BARRETT.

[Case Officer - Andrew Parrish]

Background

The application was considered at the Development Control Committee of 12th January 2017 where the Committee resolved to defer making a decision on the application to await further information from the applicant with regards to the refuse turning area following a later representation from Herts Highways who objected on the basis that there was not sufficient room for a refuse truck to manoeuvre out. Members suggested it might be an idea for a refuse driver from Cupid Green to attend the meeting as they would be the best people to ask if they could reverse a truck out.

Members should consider the updated information below together with the previous committee report from the 12th January 2015 meeting.

Further submitted information from applicant

An amended site plan showing refuse vehicle tracking has been submitted following an on-site meeting with the Group Manager, Environmental Services, Cupid Green on 1st February 2017.

Revised plans showing the third floor terrace amenity area and details confirming signage and roof terrace planting proposals.

Additional Consultation Responses

Refuse Services Manager (comments on revised tracking plan) - Even if the vehicle size demonstrated is 10m x 3m the pinch point at position 2 is ridiculously tight we would not negotiate that manoeuvre. When we visited the site we were assured there would be enough room.

Refuse Services Manager - Following the site meeting today we are satisfied that we can fulfill our statutory obligations to collect waste from this location if the following items are considered:

1. There is adequate space to position the vehicle initially for the reversing manoeuvre up to the bin cupboard in Able House
2. That the foundation up to the building remains block paving so as not to restrict the room required to fit the vehicle
3. That the ramp exiting the building turns right toward the top of the road. This will minimise the extent of the steering manoeuvre at the "pinch point" opposite the adjacent building.
4. That parking is restricted in the road adjacent to Able House

That parking is restricted in the road adjacent to Able House.

Herts Highways - Does not wish to restrict the grant of permission.

I understand from DBC that the building has been moved westwards thereby reducing the width available behind it for manoeuvring. The views of the highway authority are sought in respect of condition 18 on the ability of vehicles entering the parking and service yard behind

the proposed building to safely manoeuvre off and back on to the public highway.

Revision E to drawing A15-108-GA-70 Proposed External Works & Levels has been issued to show the computer-generated swept path of refuse vehicle. I note that this still does not specify the size of the vehicle tested but have been party to email correspondence between the applicant's team and the DBC planning and refuse collection teams and am content that the drawing is correct in this respect.

By scaling the SW corner of the building has been moved westwards by 1.2m. This would reduce the parking area to the rear by the same amount. The swept path demonstrates that a refuse vehicle driven by a skilled operator could enter the site and reach to within 25 m of the bin collection point. This manoeuvre would only be carried out in one gear without the ability to turn on site but I understand that that is how this procedure is carried out now. I am, therefore, able to recommend that condition 18 is varied.

Further Officer Considerations

It should be noted that the originally approved plans showing how a refuse vehicle could turn on site involved some encroachment onto third party land to achieve this, albeit land that is in part a pedestrian way through to the High Street. Moreover, the swept path was undertaken on the assumption that a 7.7 x 2.4 metre wide refuse vehicle would be used. However, it has subsequently been confirmed by the Refuse Services Manager that they use a 26 tonne rigid freighter which is 10 x 3 metres wide and has limited manoeuvrability. Consequently the only way that the site can be accessed by the above vehicle is by reversing onto the site from Figtree Hill. This is clearly not ideal because of the potential for obstruction by cars, etc. but it transpires that there is a bin chute at the end of the access road serving the Fig Tree Hill flats as well as commercial bins from High Street premises which are currently emptied from the service yard. As such, the reversal of the refuse vehicle is an existing situation on this site.

The above notwithstanding, the proposed application would nevertheless narrow the gap, albeit marginally at the pinch point by approximately 0.5 metres between the building and High Street properties, thereby making an existing situation slightly worse. In recognition of this, the Refuse Services Manager was asked to confirm whether this change would cause operational difficulties for the service.

The above plan from the applicant follows an on-site meeting with the Refuse Services Manager, the applicant and the Contractor, together with a vehicle and driver. Although it was not possible to carry out an empirical test due to the site being under construction and the access being obstructed by security fencing and scaffolding, the Refuse Services Manager confirmed that his drivers would be able to reverse a vehicle to the bin storage cupboard for collection, provided 4 criteria were satisfied.

1. There is adequate space to position the vehicle initially for the reversing manoeuvre up to the bin cupboard in Able House
2. That the foundation up to the building remains block paved so as not to restrict the room required to fit the vehicle
3. That the ramp exiting the building turns right toward the top of the road. This will minimise the extent of the steering manoeuvre at the "pinch point" opposite the adjacent building.
4. That parking is restricted in the road adjacent to Able House (i.e the access road)

In response to these requirements, the applicant has noted the following:

1. The refuse vehicle can get within 25 metres of the bin store, as shown on the layout drawing.
2. The external finishes abutting the building will remain as block paving.
3. The ramp remains to the left (as viewed from inside the bin store). If the ramp were to exit

to the right, the gradient would be 1 in 7, which the applicant considers would be too great for a 0.5 tonne Eurobin if fully laden.

4. It is stated that signage will be introduced to warn that cars should not obstruct access but we await details of its location and text.

The Highway Authority has raised no objection on the basis that the revised tracking diagram indicates that a 10 m refuse vehicle could just clear the pinch point.

The Refuse Services Manager has however raised objections on grounds that the clearance is too tight for his drivers to negotiate.

A number of other options have been considered subsequently with respect to resiting the door to the bin cupboard in order to limit the obstruction caused by the bin cupboard ramp but for various reasons have been found unworkable. The only workable solution would be to re-site the bin area to an external enclosure near the site frontage in lieu of two parking spaces. This would remove the obstruction caused by the ramp and enable continued access to the bin chute and other premises in High Street. There would be no net loss of parking because it is already proposed to add two parking spaces in lieu of an amenity area, so would be acceptable in this respect.

The applicant's contractor has asked why the refuse vehicle can't stop at the pinch point, and rely on the bins being walked the remaining 27 metres to the vehicle. However, this would be 2 metres more than the recommended maximum walk distance of 25 metres but assumes the vehicle will back up past the corner of the adjacent High Street building, otherwise the distance is practically more like 30 metres. Moreover, the approved plan did not show the obstruction of a ramp. Therefore this is a new detail that has been introduced which further restricts the access over and above that approved. The proposed revised position of the building together with the introduction of the ramp both work to significantly compromise access to the rear of the property for refuse collection purposes. Therefore, it is considered that the only acceptable solution is to resite the bin storage area to an external area, unless there is a way of designing out the ramp.

The applicant has been asked to confirm that this can be done and an update will be provided at Committee.

Although soft landscaping and various other aspects are the subject of a concurrent application which has yet to be discharged, details have now been submitted under this application in respect of landscaping to the roof garden, minor artifacts and structures (e.g. furniture, or other storage units, signs etc.). With regards to these details (with the exception of external luminaires), we consider these acceptable.

If the soft landscaping and other aspects are determined before determination of the current ROC application, a compliance condition would be recommended - otherwise an amended landscaping condition would be appropriate, as drafted.

The s106 Deed of Variation to refer to the new application reference is anticipated to be completed by the date of the committee meeting and the recommendation is worded accordingly.

RECOMMENDATION

1. That the application be DELEGATED to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a Deed of Variation to the existing planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.

2. That the following Heads of Terms for the Deed of Variation, or such other terms as the Committee may determine, be agreed:

That reference is made to planning application 4/03266/16/ROC in the current s106 agreement relating to 4/00779/15/MFA.

Conditions to follow those previously suggested below.

Report considered by the Development Control Committee of 12/01/16

Summary

The application is recommended for approval. The proposal would provide 14 affordable units for rent. Car parking would be substituted for amenity space. The proposal is considered acceptable in its design and layout; amenity provision and landscaping is still considered satisfactory; adequate parking and access is available; the proposal would comply with sustainability principles and would mitigate the impacts of the development through provision of contributions to highway infrastructure in the area.

Site Description

The application site is a cleared site, previously comprised of a vacant three storey, new town, 1960's office building within an irregularly shaped plot of 0.13ha located on the western side of Figtree Hill and to the rear of the High Street in the old town of Hemel Hempstead. There is a change in level across the Figtree Hill frontage of approximately 3 metres, the site sloping upwards from south-to-north. There is a more gentle downward change in levels from east-to-west.

The site is surrounded by residential properties (predominantly flats) to its north, east and south. The backs of properties along the High Street form the western boundary to the site, some of which have right of access through the site to their parking areas.

There are also two pedestrian rights of way through to the High Street.

The site falls within the town centre.

Proposal

In June 2015 planning permission was granted for demolition of existing office building, construction of 14 new flats in a four-storey building with associated car parking and landscaping (4/00779/15/MFA).

This current application seeks amendments to the approved scheme through section 73 of the Planning Act, wherein the condition listing the approved plans under Condition 18 is amended to list the updated plan numbers and formalise the amendments to the scheme, and minor changes to the wording of Condition 5 relating to details of the enclosure of the amenity area are made.

The amendments relate to the substitution of 3 parking spaces for the approved amenity area (net increase of 2 spaces) and the slight realignment of the building.

Referral to Committee

The application is referred to the Development Control Committee because the applicant is Dacorum Borough Council.

Planning History

4/00779/15/MFA DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING.

Granted
25/06/2015

4/00405/14/PRE CONSTRUCTION OF 15 DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING

Unknown
25/02/2015

4/00142/13/MO DEMOLITION OF THE EXISTING OFFICE PREMISES AND
A CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING COMMERCIAL USE AT GROUND FLOOR (RETAIL OR OFFICES) WITH 3 FLOORS OF RESIDENTIAL DWELLINGS PROVIDING ELEVEN TWO BEDROOM FLATS.

Granted
03/05/2013

Policies

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS15 - Offices, Research, Industry, Storage and Distribution
CS17 - New Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS33 - Hemel Hempstead Urban Design Principles
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 19, 21, 37, 39, 51, 54, 58, 61, 62, 63, 100, 129
Appendices 1 (updated through the sustainability checklist), 3, 5 and 6

Supplementary Planning Guidance/Documents

Environmental Guidelines

Accessibility Zones for the Application of Car Parking Standards July 2002

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Planning Obligations SPD April 2011

Affordable Housing SPD 2013

Advice Notes

Sustainable Development Advice Note (Dec 2016)

Refuse Storage Guidance Note (Jan 2015)

Summary of Representations

Design Out Crime Officer

I am content with what is proposed.

Conservation and Design

Any comments received will be reported at the meeting

Highway Authority

Any comments received will be reported at the meeting

HCC Fire & Rescue

Any comments received will be reported at the meeting

Historic Environment Officer

Any comments received will be reported at the meeting

Trees and Woodlands

Any comments received will be reported at the meeting

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

29 High Street

We have the right of access and egress to the car park at the rear of our property from Figtree Hill over the car park at the rear of the new flats, formerly the yard to Able House.

We are concerned that planning application A15-108-GA-70 rev B does not tell the true facts regarding car park spaces 13 & 14. These are in fact below the existing flats and have walls to the front and side {admittedly shown dotted on the plan}. This reduces the useable area for turning, etc.

We cannot see that these two spaces and also space 12 can be sensibly used without coming over the site boundary onto our land.

Considerations

Key issues

The principle issue is whether the alternative layout with 3 parking spaces in lieu of the originally agreed private amenity space and realignment of the building to the west would be detrimental to the appearance and functioning of the scheme and residential amenities.

Condition 18 lists the approved plans.

It is now proposed to substitute these with amended plans showing the alternative layout.

Discussion

Reference should be made to the report on 4/00779/15/MFA which granted permission for the redevelopment of the site for 14 flats (see Appendix).

In considering 4/00779/15/MFA it was noted that Appendix 3 seeks private outdoor amenity provision equivalent to the floorspace of the proposal plus additional for each floor above 2 storeys. The proposal is three storeys and it was acknowledged that relatively little could be provided without reducing the footprint / increasing the height which would be likely to become either unviable or unacceptable in townscape terms. However, it was noted that a reasonable amount of private amenity space would be provided in the form of a small roof garden to the northern element of the building, together with a further small amenity area to the north of this at ground level. Furthermore, it was also noted that the design incorporated private balconies to all but the ground floor units and that these were welcomed as they both helped articulate the elevations whilst also providing essential private / semi-private amenity space for the occupants. It was concluded, on balance, that the amount of amenity space was acceptable given also the proximity of public parks.

It is now proposed to omit the ground level amenity space and to provide 3 parking spaces in lieu. This would amount to a net increase of 2 spaces overall because one space to the front of the amenity area would now be lost. The reason expressed is that the applicant would prefer the amenity space to be a hard landscaped parking area instead.

The amenity area extends to some 62 sq metres. The loss of private amenity space is disappointing particularly given that car parking provision at a ratio of 1 to 1 is in accordance with parking standards for this sustainable location in the town centre. However, given the roof garden and balconies to some of the flats, and the town centre location, the reduced provision is considered acceptable.

The amenity space was to be subject to details of its means of enclosure through Condition 5 to ensure an acceptable appearance and privacy. However, this requirement is no longer necessary in the absence of the amenity area.

The revised layout would continue to provide a good amount of general soft landscaping around the building which would help soften and integrate the development into the surroundings. Provision of soft landscaping would be slightly increased as a result of the realignment of the southern end of the block further to the west by approximately 1 m and the addition of a small island of planting within the car park to the rear.

In visual terms, the additional hardsurfacing for the 3 parking spaces would match the remaining car park with a brindle block pavior which would provide an appropriate appearance and setting to the street scene and pedestrian routes through to the adjacent High Street Conservation Area. Due to significant level differences, the car parking would not be visible from Figtree Hill.

With regards to access and turning provision, this would be largely as approved with the exception of the 2 additional parking spaces and the slightly more restricted turning space as a result of the realigned building. However, the 3 parking bays 15, 16 and 17, would have more than adequate turning provision. Highway comments are awaited with regards to the adequacy of turning provision for a refuse vehicle.

A neighbour has raised concerns regarding the adequacy of turning provision to the rear of spaces 13 and 14 which are contained within undercroft garages. However, given that these are existing garages being reused and the layout in this respect has not altered either from the approved scheme or the pre-existing layout, it is not considered that a refusal could be justified on this ground.

The proposed amendments would comply with Policies CS12, 13 and 27 and saved Policy 120.

Other matters

A deed of variation to the existing s106 agreement will be necessary to refer to the current application number.

The development has been implemented. Condition 1 is therefore not relevant anymore.

Conditions 2, 3, 4, 6, 10, 11 relating to materials, 1:20 details, levels, sustainability measures, waste and construction management plans have been discharged. Compliance conditions are recommended.

Condition 5 relates to landscaping details which have been part discharged in respect of hard landscaping but these details change under the current ROC. As the area of hard and soft landscaping has changed, but full details have been provided under the ROC, it is only necessary to accord with the current ROC details. Details have also been submitted in respect of means of screening the roof garden which are considered acceptable comprising 15 mm thick obscure toughened and laminated glass to the north elevation, and CCTV cameras, as required by the Police Crime Prevention Advisor. Although soft landscaping and various other aspects are the subject of a concurrent application which has yet to be discharged, details remain outstanding or unacceptable in respect of external lighting luminaires, landscaping to the roof garden, minor artefacts and structures (e.g. furniture, or other storage units, signs etc.). If the soft landscaping and other aspects are determined before determination of the current ROC application, a compliance condition would be recommended - otherwise an amended landscaping condition would be appropriate, as drafted.

Condition 7 relates to a post construction review of energy performance and remains relevant.

Condition 8 relates to sustainable surface water drainage which is the subject of a concurrent application wherein details confirm that the surface water discharge rate will be less than the current site. Details have however been submitted with the current ROC application and a compliance condition is recommended.

Condition 9 requires compliance with crime prevention measures and remains relevant.

Condition 12 requires compliance with parking and turning arrangements shown on plan and is relevant.

Condition 13 relates to an assessment of contamination which is the subject of a concurrent application. Until this is discharged a condition remains necessary.

Condition 14 relates to a remediation scheme which remains relevant.

Condition 15 relates to a validation report which remains relevant.

Condition 16 relates to additional contamination which remains relevant.

Condition 17 relates to obscure glazing which remains relevant

Condition 18 relates to the list of approved plans which should be updated to refer to the revised plans.

RECOMMENDATION

1. That the application be **DELEGATED** to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a Deed of Variation to the existing planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.

2. That the following Heads of Terms for the Deed of Variation, or such other terms as the Committee may determine, be agreed:

That reference is made to planning application 4/03266/16/ROC in the current s106 agreement relating to 4/00779/15/MFA.

Suggested Conditions

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

- 1 **The development shall be carried out in accordance with the materials approved under application reference 4/00586/16/DRC.**

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

- 2 **The development (with the exception of demolition) shall be carried out in accordance with the approved plans and elevations and in accordance with the details of windows, doors and openings, balconies, railings, balustrades and rainwater goods approved under application reference 4/00586/16/DRC.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS10, 11, 12 and 13 of the Dacorum Core Strategy (September 2013).

- 3 **The development shall be carried out in accordance with the slab, finished floor and ridge levels approved under application reference 4/00586/16/DRC.**

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

- 4 **The details of hard and soft landscaping shown on Drg. Nos. 11547.03 GD and A15-108-GA70 Rev B, finished levels and means of screening the roof garden shown on Drg. No. A15-108-GA70B and A15-108-PA20A & PA21A and external lighting and CCTV shown on Drg. No. A15-108-GA-60 Rev C shall be carried**

out prior to the first occupation of the development hereby permitted and the details shall thereafter be retained.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

5 Notwithstanding any details submitted, prior to the commencement of any landscaping, details of the following shall be submitted to and approved in writing by the local planning authority:

- **external lighting luminaires;**
- **hard and soft landscaping of the roof garden, including seating;**
- **minor artefacts and structures (e.g. furniture, other storage units, signs etc.);**

The approved details 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 saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

6 The development hereby permitted shall be carried out in accordance with the C-Plan Sustainability Statement and Section 7 (Sustainability and Environment Statement) of the Design and Access Statement approved under application reference 4/00779/15/MFA, and in accordance with the energy statement approved under application reference 4/00586/16/DRC. The measures identified in the statements shall be retained and adequately maintained at all times.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 and Para. 18.22 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

7 Prior to first occupation of the development, a post construction review to formally demonstrate achievement of the energy performance target approved under Condition 6 shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 and Para. 18.22 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

8 The development shall not be occupied until the details of sustainable surface water drainage shown on Drg. No. 16-001-DR1 Rev 9 and in Plane Infiltration System Design shall have been provided, and they shall thereafter be

permanently retained.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

- 9 **The development shall be carried out in accordance with the measures set down in Section 3.5 (Crime Prevention) of the Design and Access Statement approved under application reference 4/00779/15/MFA. The measures shall thereafter be retained and adequately maintained at all times.**

Reason: To ensure a secure and safe form of development for the residents in accordance with Best Practice and Secured by Design principles and Policy CS12 of the Dacorum Core Strategy (September 2013).

- 10 **The development shall be carried out in accordance with the details of site waste management plan (SWMP) approved under application reference 4/02639/15/DRC and 4/02051/16/DRC.**

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

- 11 **The development shall be carried out throughout the construction period in accordance with the details of Construction Management Plan approved under planning reference 4/02639/16/DRC.**

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 12 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, cycle parking, circulation, turning and access shown on Drawing No. A15-108-GA-70 Rev B shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate access and 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 highways, and to encourage the use of sustainable modes of transport in accordance with saved Policy 51 and 58 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 13 **Notwithstanding any details submitted with the application, no development (with the exception of demolition) shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it shall include:**

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

(a) human health;

(b) property (existing or proposed) including buildings, crops,

livestock,
pets, woodland and service lines and pipes;
(c) adjoining land;
(d) groundwater and surface waters; and,
(e) ecological systems.
(f) 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 offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 14 **No development (with the exception of demolition) shall take place until 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 environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposed preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site does 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. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

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 September 2013.

- 15 **Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval.**

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 September 2013.

- 16 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the**

unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 13, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 14. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 15.

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 September 2013.

- 17 **The windows at first floor level in the north elevation of the development hereby permitted shall be non-opening and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Core Strategy

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

**11547.03 GD
16-001-DR1 Rev 9
A-15-108-GA-70 Rev B
A-15-108-GA-60 Rev C
A15-108-PA20A
A15-108-PA21A**

together with the following plans approved under 4/00779/15/MFA:

**14003/020
14003/021
14003/022
14003/023
14003/024
14003/026 Rev B
14003/027 Rev A
14003/028 Rev C
14003/029 Rev D
14003/033**

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 proactively through positive engagement with the applicant during the pre-application and determination process which led to improvements to the scheme. The Council

has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES:

The development hereby permitted is an amendment to the permission granted under planning permission 4/00779/15/MFA.

Thames Water

Waste Comments

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.

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 contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

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.

Affinity Water

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".

APPEALS UPDATE

A. APPEALS LODGED

4/01737/16/RET Mr B Adams
CHANGE OF USE FROM GREEN BELT GARDEN AREA TO THE
PARKING AND STORAGE OF MOTOR VEHICLES.
40 TOWER HILL, CHIPPERFIELD, KINGS LANGLEY, WD4 9LH
[View online application](#)

4/03388/16/LBC Mr Sterling
FIRST FLOOR REAR EXTENSION, INTERNAL WORKS AND NEW
FENCING
OLD PALACE LODGE, 69A LANGLEY HILL, KINGS LANGLEY, WD4
9HQ
[View online application](#)

B. WITHDRAWN

None

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](#)

4/02321/16/ENA Mr Eames
APPEAL AGAINST ENFORCEMENT NOTICE - CHANGE OF USE OF
BARN FOR VEHICLE STORAGE AND CREATION OF
HARDSTANDING
PIGGERY FARM, HAMBERLINS LANE, NORTHCHURCH,
BERKHAMSTED, HP4 3TD
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/01050/16/ENA

APPEAL AGAINST ENFORCEMENT NOTICE - REMOVAL OF LOG CABIN
4 MYRTLE COTTAGES, BULBOURNE ROAD, BULBOURNE, TRING, HP23 5QE
[View online application](#)

The Enforcement Notice was appealed solely on the grounds that the requirements of the Notice were excessive. The Planning Inspector concluded that the requirements of the Enforcement Notice are entirely appropriate to achieve the objective of restoring the land to its condition before the breach took place and that there are, in his assessment, no lesser steps that could be taken to achieve that objective. In particular the Inspector concluded that the lowering of the outbuilding by reducing the height of the decking on which it stands would not remedy the breach because the outbuilding would still remain and would continue to be inappropriate development in the Green Belt.

F. ALLOWED

4/01759/16/FHA

Woodcraft
ALTERATIONS TO AND RAISING THE HEIGHT OF EXISTING OUTBUILDING
123 GEORGE STREET, BERKHAMSTED, HP4 2EJ
[View online application](#)

Main Issue

4. The main issue is the effect of the development on the living conditions of nearby residents with particular regard to outlook.

Reasons

5. The appeal site is an end of terrace property with a single storey outbuilding at the end of the rear garden. The outbuilding has been converted into an art studio in connection with the domestic use of the property. The proposal subject to this appeal is to increase the height of the outbuilding to allow for an additional storey and thus a larger studio.

6. Between the front of the appeal dwelling and the end of the rear garden there is a marked change in ground level with the garden sloping upwards towards the outbuilding.

7. The development would lead to a significant increase in the scale of the outbuilding, which would result in a notable change to the outlook from the rear of adjacent dwellings at Nos 119 and 125 George Street including from their garden areas. However I consider that there are a number of mitigating factors in this case. The location of the outbuilding would be offset from the direct outlook from the rear of adjacent George Street properties. Furthermore it would be viewed in the context of the rear of terraced properties along Ellesmere Road which, whilst further away, are at a higher level still and thus already form a relatively imposing backdrop.

This would help to visually assimilate the extended building into its surroundings. Furthermore the proposed extensive use of profiled and non-reflective timber panelling would tend to give the building a more recessive appearance.

8. The rear of the outbuilding faces the rear of terraced properties located on Ellesmere Road to the north of the appeal site. However there is a significant change in ground level between the appeal site and Ellesmere Road, with the outbuilding sitting at a markedly lower level in comparison to this terrace. There would also be a generous amount of separation between the terrace and the outbuilding, an intervening footpath and tall rear boundary fences serving those properties, all of which would help to mitigate the visual impact of the proposed extension.

9. Drawing the above factors together, I conclude that the development would not be of a design and scale that would result in it having an overbearing presence. Accordingly the proposal would not oppress the living conditions of existing residents as a result of excessive enclosure to outlook.

10. The proposal would therefore comply with Policy CS12 of the Dacorum Core Strategy 2013 which amongst other things seeks development to avoid visual intrusion to surrounding properties. The development would not comply with the application of the guideline set out in Appendix 7 to the Dacorum Borough Council Local Plan 2004 (LP), which seeks to retain a separation distance of 23 metres between extensions and the rear facing walls of adjacent properties. However as set out above, the building is offset from, rather than directly facing the rear of the neighbouring properties at Nos 119 and 125. It is also at a lower level and screened to a degree in relation to the Ellesmere Road dwellings behind. I therefore consider that this constitutes adequate justification for an exception being made to this guidance.

Other Matters

11. There have been a number of further concerns raised by local residents. In terms of the potential for overlooking, I note that the fenestration in the front and rear walls of the proposed extension would predominantly be constructed in an opaque material. A number of sliding shutters are proposed in order to allow for ventilation and a means of escape in the event of an emergency should this ever arise. However these opening points, along with the fenestration generally, would be relatively deeply recessed behind external timber framework and diagonal cross bracing panels which would tend to distract the eye from views of other properties to the front and rear. Furthermore, as previously noted, the front elevation of the building would be offset from direct views of the rear of adjacent George Street properties. I am therefore satisfied that whilst the separation guidelines in the LP would not quite be met, the circumstances of the proposal mean that adjacent properties would not be unduly overlooked and that the privacy of residents would therefore be safeguarded. A condition requiring final details of external materials which would include the opaque fenestration could be imposed.

12. Whilst the increased height of the building is likely to result in some additional overshadowing, this would essentially be limited to the ends of rear gardens and would not be of sufficient impact to warrant refusal of planning permission.

13. The Council's Conservation Officer raised concern with regard to the levels of artificial light from the development. However the recessed position of the main windows and the separation of the building from adjacent properties would be sufficient to ensure that this would not result in undue harm to residents.

14. The appeal site lies within the Berkhamsted Conservation Area (CA). I acknowledge that the outbuilding, which is a prominent structure visible from George Street through a gap in the terrace, is regarded by the Council to be of historic interest and considered to be a non-designated heritage asset. From the information before me I have no reason to dispute this. The proposed extension with its focus on profiled timber boarding and dark coloured roofing materials appears to me to be a sensitive contemporary treatment of the structure, which despite the increase in scale would be sufficiently set back not to result in harm to the terraced character of the street. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under section 72(1) to pay special

attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons set out above, the development would preserve the character and appearance of the CA.

Conditions

15. I have considered the conditions suggested by the Council. Conditions specifying the plans and requiring details of the external materials are needed to safeguard the character and appearance of the area and to protect the living conditions of residents. A condition requiring the use of the development to be ancillary to the host property is not required, because if it was intended to operate the unit other than on this basis, a fresh planning permission would be required for change of use.

Conclusion

16. For the above reasons, I conclude that the appeal should succeed and planning permission be granted.