



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 27 APRIL 2017 AT 7.00 PM
CONFERENCE ROOM 2 - 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 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 Management Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

5. INDEX TO PLANNING APPLICATIONS

- (a) 4/03473/16/MFA - CONSTRUCTION OF A CARE HOME FOR THE ELDERLY AND A NEW GP SURGERY - 32 HIGH STREET, KINGS LANGLEY, WD4 8AA (Pages 5 - 70)

- (b) 4/03378/16/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/03120/16/NMA - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)) - LAND ADJ. THE MANOR ESTATE, APSLEY, HEMEL HEMPSTEAD, HP3 9SE (Pages 71 - 206)
- (c) 4/01064/16/FUL - NEW BUILDING TO ENCLOSE EXISTING BUILDING. EXISTING BUILDING TO REMAIN WITHIN THE NEW STRUCTURE - WAGON AND HORSES, LONDON ROAD, FLAMSTEAD, ST. ALBANS, AL3 8HG (Pages 207 - 215)
- (d) 4/00157/17/FUL - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF FOUR 4-BED DWELLINGS - TRING HEALTH CENTRE, STATION ROAD, TRING, HP23 5NF (Pages 216 - 233)
- (e) 4/03281/16/FUL - CHANGE OF USE FROM BEAUTY SALON (SUI GENERIS) TO A5 - 39 FROGMORE STREET, TRING, HP23 5AU (Pages 234 - 243)
- (f) 4/02580/16/FUL - CONSTRUCTION OF DETACHED TWO BEDROOM, TWO STOREY DWELLING WITH ASSOCIATED PARKING - 1 THE CART TRACK, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XA (Pages 244 - 256)
- (g) 4/00334/17/FUL - CONSTRUCTION OF NEW AGRICULTURAL STORAGE BUILDING - BOTTOM FARM, SWING GATE LANE, BERKHAMSTED, HP4 2RP

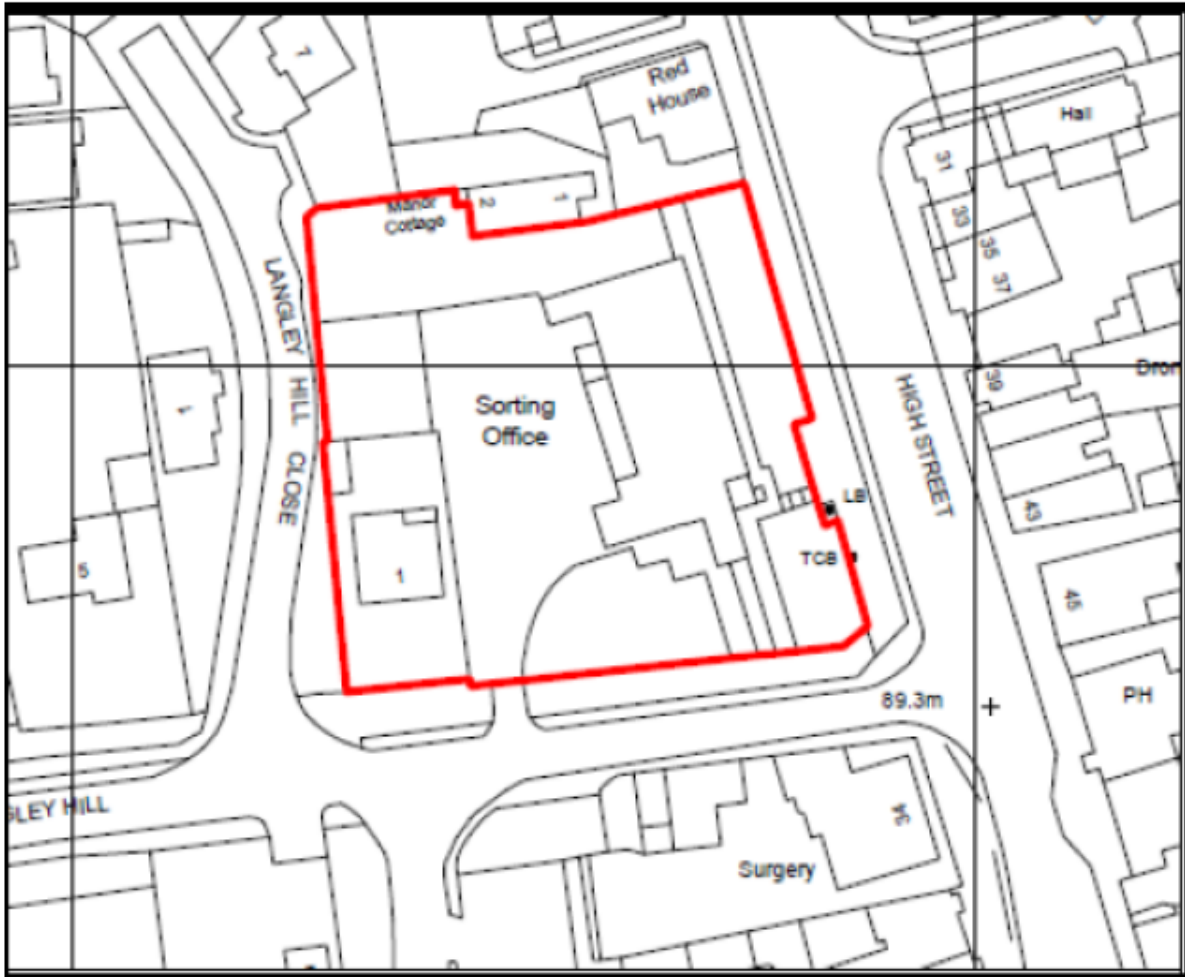
This item has been deferred and therefore removed from this agenda.
- (h) 4/00403/17/FUL - THREE BED DWELLING - 38 MEADOW ROAD, HEMEL HEMPSTEAD, HP3 8AJ (Pages 257 - 269)

6. APPEALS UPDATE (Pages 270 - 288)

Item 5a

**4/03473/16/MFA – CONSTRUCTION OF A CARE HOME FOR THE ELDERLY
AND A NEW GP SURGERY**

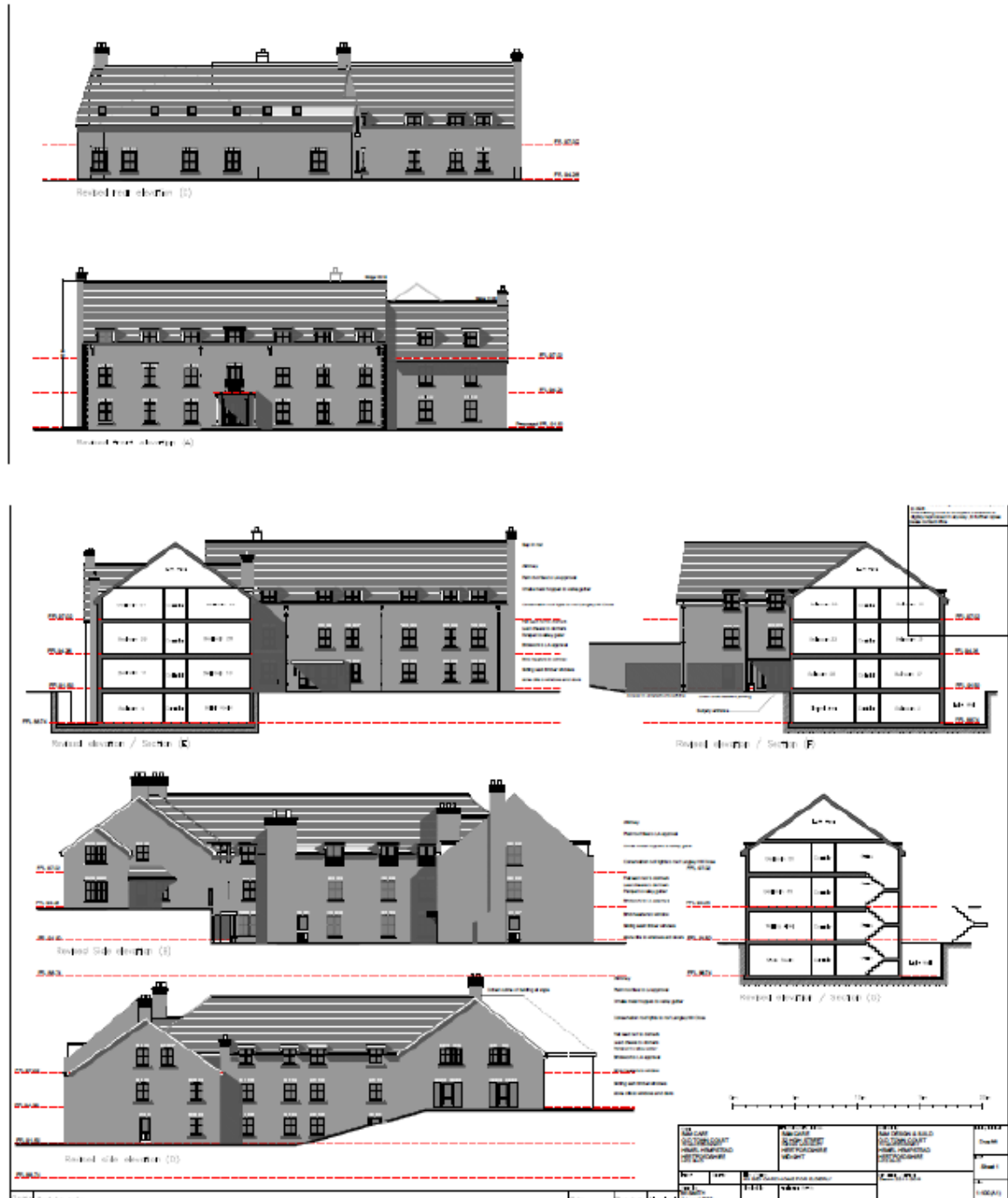
32 HIGH STREET, KINGS LANGLEY, WD4 8AA



Item 5a

4/03473/16/MFA – CONSTRUCTION OF A CARE HOME FOR THE ELDERLY AND A NEW GP SURGERY

32 HIGH STREET, KINGS LANGLEY, WD4 8AA



**4/03473/16/MFA - CONSTRUCTION OF A CARE HOME FOR THE ELDERLY AND A NEW GP SURGERY.
32 HIGH STREET, KINGS LANGLEY, WD4 8AA.
APPLICANT: B&M Care.**

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

The principle of new residential development is acceptable in accordance with Policy CS1 of Dacorum Core Strategy on this brownfield site. Part of the site is subject to an extant planning permission for an elderly persons care home. The loss of the existing dwelling house at no. 1 Langley Hill will be compensated by the resultant public benefit of the centrally located inclusive replacement community doctors surgery and the provision of an elderly persons care home providing new specialist housing.

Despite the development's scale it can be visually/ physically accommodated within the site's heritage setting/ context in a positive way. It takes advantage of the levels and is compatible with the character and appearance of Kings Langley Conservation Area including its street scene, the setting of the adjoining/ nearby listed buildings and the immediate locality/ street scene beyond the Conservation Area, with due regard to its setting. There will be a compatible relationship with retained preserved trees.

There are no detailed objections including the effect upon the residential amenity of the locality and the highway safety/ access and parking implications. There is sufficient on site parking to serve the care home and surgery in a very sustainable location complemented by the availability of nearby public parking. The proposal provides parking to meets the Council's maximum parking standards. The fully inclusive surgery serving the same area will be provided with more parking than the existing and with full and safe access for persons with disabilities and limited mobility.

There are no detailed layout/ environmental objections subject to the imposition of a range of associated necessary conditions.

Background

The application was considered at the previous Development Control Committee Meeting with the decision deferred to enable more information to be provided regarding:

- Access/ vehicular turning/ manoeuvrability ,
- Parking, and
- Level of use.

In the meantime the Planning Inspectorate (PINS) has advised that the previously refused application at the site is now subject to an Appeal Hearing on 28 June 2017. The Appeal was previously to be dealt with by the Written Representations procedures. The Parish Council, technical consultees and neighbours have been informed of the Hearing. The change in the Appeal process is due to PINS review of the case as explained to the Agent:

'The reasons for this are that significant additional evidence has been provided by the appellant at the appeal stage that needs to be tested through questioning; evidence has been referred to that has not been provided; and the case raises a number of issues that need clarifying. In addition the case at both the application and appeal stage has generated local interest'.

The Hearing will specifically require the attendance of a member(s) of the DCC to directly

represent the Council and to provide a written statement to PINS by mid May.

Notwithstanding this Appeal Members should consider the current application upon its individual merits.

In response the Applicant and Agent have provided additional information.

The Submitted Additional Information

This addresses the following:

Additional Drawings.

These are:

- An annotated 3D parking layout.
- Drawing no. 79 showing the communal bin store for care home and surgery.
- Drawing 117215-1802 (002) showing the refuse vehicle tracking – exiting in forward gear.
- Drawing 117215-1801 (003) showing the refuse vehicle tracking – reversing into site

In response to the reasons for deferment the Agent confirms:

Clear Parking Plan

The 3D colour coded parking plan shows all the spaces numbered 1-29, turning area and surgery & care home bin stores.

Dimensioned Turning Area

Scaled 'tracking drawings' 117215-1802 (002) & 117215-1801 (003) were sent to this Council and Hertfordshire County Council Highways on 11th April 2017.

The 'tracked' drawings clearly demonstrate that the manoeuvring space is large enough for fire, refuse, ambulance and deliveries. The 'tracking' is tested/run using the largest vehicle to use this turning head, which is the 9.93m long Mercedes refuse vehicle. The proposed care home and surgery will use the same private contractor for refuse collection and share the same bin facility for everyday communal waste.

The communal bin store will provide storage for 4 x 1000ltr wheelie bins for domestic, card board and clinical waste (see drawing 79) and is located conveniently close to the turning facility for bin collections.

The GP surgery creates about 5/6 bags of clinical waste and 1 x 7ltr 'Sharps' collection box a week. There will be two general waste collections a week using the large refuse vehicle and one clinical waste collection a week using a smaller transit size vehicle.

Worth noting: The proposal turning head facility has been previously approved by Dacorum BC in respect of the extant planning permission for the 36 bed care home (4/01800/12/MFA) and is equally large enough to accommodate the current proposal.

B&M Management of the Parking

The management of the parking and turning facility will be undertaken by B&M Care.

As an operator of 23 care homes they are well experienced in managing their facilities during delivery times, refuse collections, emergencies, as well as parking for staff and visitors alike.

This is a dynamic business and good management of the parking and turning spaces are important for the operation of the business, which B&M Care take very seriously. For instance the tandem parking spaces within the courtyard will be managed exclusively for B&M Care staff parking or pool car and will be marked as such.

B&M Care offer staggered shift times for staff to smooth out arrivals and departures. Typically in respect of B&M care homes a significant number of staff tend to walk or cycle to work, as they generally live within a 2 km radius of the homes, take public transport, car share or get dropped off by family members.

The surgery hours are not as extensive as the care home and only operate between 8.30am and 10.20am, 4pm and 5.50pm Monday to Friday and 6.30pm and 6.40pm on Mondays, Tuesdays & Thursdays so there is not staff and visitors coming and going all day long. The GP surgery is closed at weekends, bank holidays and evenings when the care home is likely to be busier with visitors, so the surgery spaces can be utilised by the care home in a complementary fashion. Elderly residents within the care home don't drive and have no need for parking spaces.

Green Travel Plan

The application is supported by a Travel Plan prepared by Fairhurst consultants, which is also reinforced by suggested Condition 10 in the previous DCC report.

The 'measures' and 'initiatives' outlined in the Fairhurst Travel Plan are to encourage the use of alternative forms of transport other than the motorcar include the following:-

'Hard' Measures

- Facilitating and encouraging the use of bicycles by providing staff and visitors safe and secure cycle parking. 6 secure/covered spaces are proposed which meets adopted standards.
- Showers, changing facilities and lockers will be provided for staff and visitors cycling to the care home.
- A cycle pump and repair kit will be made available for cyclists.
- Cycle route maps, travel notice board, travel information packs and travel website will be made available.
- Monitoring and survey staff feedback on cycling usage and facilities.
- Only providing sufficient parking to serve the development, to encourage travel by sustainable modes.

'Soft' Measures

- Staff will be encouraged to car share by the Travel Plan Co-ordinator (TPC), collating a spread sheet of staff who live in close proximity and displaying on the travel notice board.
- A Travel Notice Board providing travel and community information to staff and visitors (Inc. bus & rail timetables, cycle route maps, car sharing, walking information and details of local taxis).
- Travel Information Packs will be given to all members of staff (including bus & rail

timetables, cycle route maps, walking information).

- Travel website. Travel information for staff and visitors will be available on the care home and GP's surgery websites. Encouraging visitors to use alternative modes of transport.
- Measures to encourage walking (running 'walk to work' weeks, making staff aware of shower & changing facilities and 'guaranteed ride home' scheme).
- Measures to encourage cycling. These include running promotional events like bike to work week, providing cycle route and cycle shop information, allowing staff to purchase a cycle through the cycle to work scheme, 'guaranteed ride home' for staff using cycles and need to return home in an emergency.
- Measures to encourage public transport use. These include keeping up-to-date information on travel notice board and website and providing information within Travel Welcome Packs.

Vitality/vibrancy of Local Centre

The proposed care home and GP surgery will offer important community facilities for the 21st Century for the benefit of the local community and will not have a negative impact on the commercial health of the village centre, as some may suggest. The proposal is very positive for Kings Langley and will benefit the community in many ways:

- Provides opportunities for joint trips/local spending. Those visiting the care home or surgery are likely to visit the High St to purchase items or take out elderly relatives. For instance, those picking up doctors prescriptions will use the chemist(s) in the High Street to get their medicines, equally visitors could purchase groceries/gifts/flowers/items in the village or stop for coffee or lunch or dinner.
- The proposal is a real asset to the community.
- The care home and GP surgery will be brand new 21st Century facilities, with full disabled access, which will operate in the community for the long term.
- A high quality care home building will help 'knit back' the presently fractured street scene in the High Street and will enhance the character and appearance of the Conservation Area. This proposal will represent a significant investment in Kings Langley, which can be seen as a catalyst for further inward investments, enhancements and renaissances.
- There are very real employment opportunities within care home and surgery, which offers jobs, security and spending power within the village

Parking

Importantly, the proposed parking provision (29 spaces in total, 17 for care home and 12 for GP surgery) now meets Dacorum Borough Council's adopted parking standards, regardless of whether spaces may or may not be available in the nearby car parks or on-street. This site is located in a highly sustainable position on the High Street of the village and the proposed parking provision now addresses the concerns of the previous reason for refusal (which objected very specifically to the under provision of parking for the GP surgery only).

Representations

Any additional responses from Hertfordshire County Council Highways, the Refuse Controller

and Hertfordshire Fire & Rescue Service will be provided at the meeting/ by the Addendum.

Considerations

The starting point is that the application was previously recommended for the grant of planning permission. This position remains, notwithstanding the additional information.

The submitted information reinforces the approach to access and parking, with the commitment to a Green Travel Plan. The statement also clarifies that the Agent/ Applicant expects that there will be resultant benefits for the vibrancy/ vitality to the Local Centre. In this respect the Strategic Planning Team has raised no policy objections.

Significantly the proposal accords with the NPPF's 3 planning guiding /core principles/roles in delivering sustainable development i.e economic, social and environmental:

- **An economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure. **The proposal will create employment through construction/running of the facilities with resultant and economic benefits for local businesses with accompanied residents ,staff and visitors using local services.**
- **A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. **The proposal will provide much needed accommodation for the elderly and new infrastructure for health care.**
- **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. **The proposal will improve the overall character and appearance of the Conservation Area through its replacement of a poor quality building with a high quality development.**

In these respects the NPPF explains:

- These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
- Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
 - making it easier for jobs to be created in cities, towns and villages;
 - moving from a net loss of bio-diversity to achieving net gains for nature;
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.

The proposal provides jobs in Kings Langley Village, provides biodiversity opportunities (including new additional green space), a high quality design and will improve conditions and

widen the choice of homes in the area.

In recommending permission be granted Condition 22 is modified to refer to the additional plans.

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 part of the development hereby permitted shall take place until details and samples (where appropriate) of the materials (including glazing) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority and the hard surfaced courtyard shall be constructed of permeable material in accordance with details submitted to and approved in writing by the local planning authority. 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: In the interests of the character and appearance of the Conservation Area and the setting of the adjoining listed building and in the interests of sustainable drainage to accord with the requirements of Policies CS10 ,CS12, CS27 and CS29 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 3 **All new external rainwater and soil pipes shall be formed in metal and painted black and all windows, doors and fascias shall be of timber and the rooflights shall be of a Conservation type.**

Reason: In the interests of the character and appearance of the Conservation Area and the setting of the adjoining listed building to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 4 **This planning permission does not approve the removal of any of Trees T1 to T17 shown by Drawing No. D0188- 002 - D . All of these trees shall be protected during the whole period of construction fully in accordance with the details shown by Drawing No. Drawing No. D0188- 002 - D. Notwithstanding the submitted details a scheme for soft landscape works shall be carried during the first planting season following the first use of the development hereby permitted fully in accordance with details submitted to and approved in writing by the local planning authority. For the purposes of this condition the planting season is between 1 October and 31 March.**

Reason: To ensure that the development is compatible with the setting of the adjoining listed building and the character and appearance of Kings Langley Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the

Dacorum Borough Local Plan and in the interests of biodiversity and to accord with the sustainable approach to development to accord with Policy CS29 of the Dacorum Core Strategy.

- 5 **Any tree, hedge or shrub which forms part of the approved landscaping scheme subject to Condition 4 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, section of equivalent hedge or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure that the development is compatible with the setting of the adjoining listed building and the character and appearance of Kings Langley Conservation Area to accord with the requirements of Policies CS10, CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan and in the interests of biodiversity and to accord with the sustainable approach to development to accord with Policy CS29 of the Dacorum Core Strategy.

- 6 **Prior to the commencement of the development hereby permitted details /samples of hard landscaping(including boundary treatment, full details of the retained existing boundary wall to Langley Hill Close, permeable surface materials and external drying facilities) shall have been submitted to and approved in writing by the local planning authority. The details of the retained boundary wall shall include a full constructional method statement in relation to the adjoining land within Langley Hill Close with reference to land and wall stability.**

The approved materials shall be used in the implementation of the development and all the approved boundary treatment and any associated hard landscaping shall be carried out / installed prior to the first use of the building or the approved amenity area and thereafter shall be retained at all times.

Reason: In the interests of the character and appearance of the Conservation Area and the setting of the adjoining listed building, biodiversity and in the interests of the residential amenity (especially no. 7 Langley Hill Close with regard to the issues of privacy and noise attenuation) and land stability to accord with the requirements of Policies CS10 ,CS12, CS27 and CS32 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 7 **The details of boundary treatment in accordance with Condition 6 shall include a scheme for additional boundary treatment with specific reference to acoustic measures in relation to 7 Langley Hill Close. All the approved boundary treatment and any associated measures shall be installed prior to the first use of any part of the development including the approved amenity area and thereafter the approved boundary treatment shall be retained at all times.**

Reason: In the interests of the character and appearance of the Conservation Area and the setting of the adjoining listed building and in the interests of the residential amenity, especially no. 7 Langley Hill Close with regard to the issues of privacy and noise attenuation to accord with the requirements of Policies CS10 ,CS12 and CS32 of the Dacorum Core Strategy.

- 8 **The development hereby permitted shall not be occupied until the access arrangements and turning facilities shown by the approved drawings have**

been provided fully in accordance with the approved details. Thereafter the access and turning area shall be retained at all times and only used for the approved purposes. The access road and turning area shall be constructed so that they are capable of bearing the weight of a 15.5 tonne vehicle and have a gradient of no less than 1 in 20.

Reason: In the interests of highway safety and to ensure that emergency and service vehicles are able to serve the development at all times in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

- 9 **The development hereby permitted shall not be occupied until all the approved arrangements for vehicle parking (including those for persons with disabilities) shown by the approved drawings and cycle storage shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved. An additional cycle storage facility provided to serve the surgery.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities including persons with disabilities in accordance with Policies CS8 and CS12 of Dacorum Core Strategy and saved Policy 63 of the Dacorum Borough Local Plan.

- 10 **Prior to the first occupation of the development hereby permitted and notwithstanding the submitted details a Green Travel Plan shall be submitted to the local planning authority. The Travel Plan shall provide details of measures for reducing car dependency, the need to travel to site by car whilst promoting alternative modes of transport such as walking, cycling and use of public transport. This shall be prepared in accordance with the Guidance Note "Developing a Green Travel Plan" by Hertfordshire Technical Chief Officers. The approved Green Travel Plan shall be carried out fully in accordance with the approved details.**

Reason: In accordance with the sustainable transportation policies of the development plan in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

- 11 **All the windows of the development hereby permitted shall be installed with glazing to limit noise transmission fully in accordance with details submitted to and approved by the local planning authority and any bathroom windows of the development hereby permitted shall be permanently fitted with obscured glass. The development shall be carried out fully in accordance with the approved details and thereafter the approved glazing shall be retained at all times.**

Reason : In the interests of residential amenity to accord with Policies 12 and 32 of the Dacorum Borough Core Strategy.

- 12 **Prior to the commencement of the development hereby permitted revised copies of the following reports shall be submitted:**

- **Preliminary Investigation Report Preliminary Investigation Report; Contract: 52200; Ian Farmer Associates (1998) Limited; March 2014**
- **Report on Phase 2 Ground Investigation; Contract 52200A; Ian Farmer Associates (1998) Limited; May 2014.**

The reports must be revised and re-issued to take into account the new application and any alterations to the proposed site layout. The Report on

Phase 2 Ground Investigation, (specifically section 8.4 Risk Assessment - Human Health) must be updated to reflect the changes to guidance which have occurred since the report was initially written in May 2014, (the publication of new generic assessment criteria – S4ULs etc.)

If the revised 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 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 Policies CS31 and CS32 of the Dacorum Core Strategy.

- 13 **All remediation or protection measures identified in the Remediation Statement referred to by Condition 12 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 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 Policies CS31 and CS32 of the Dacorum Core Strategy.

- 14 **Notwithstanding any of the submitted details no part of the development hereby permitted shall not occupied until a scheme for ventilation of the**

premises, including the extraction and filtration of cooking fumes and the system for laundry has been submitted to and approved by the local planning authority. The approved scheme shall be retained at all times.

Reason: In the interests of safeguarding the residential amenity of the locality and the character of the Conservation Area to accord with the requirements of Policies CS12, CS27, CS29 and CS32 of the Dacorum Core Strategy and the saved Policy of 120 of the Dacorum Borough Local Plan.

- 15 **The development hereby permitted shall be carried in accordance with the submitted Sustainability Statement subject to the requirements of other conditions of this planning permission.**

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

- 16 **The approved facilities for the storage of refuse shall be provided before the development hereby permitted is first brought into use and thereafter shall be retained at all times.**

Reason: To ensure a refuse facility is provided at all times at the site in accordance with Policy CS12 of the Dacorum Borough Local Plan.

- 17 **The development permitted shall be carried out in fully in accordance with the surface water drainage assessment , as approved by Hertfordshire County Council Lead Flood Authority, and carried out by Hydrock reference R/C161599/002.03 dated December 2016, and the following mitigation measures detailed within the Flood Risk assessment :**

- **The provision of the 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.**
- 1. **The construction of the drainage to include the permeable paving, attenuation tank and soakaway as shown /specified by the 'Proposed Layout Plan' on Drawing No. Dwg KIN-HYD-XX-XX-DR-D-5001.**
- 2. **The carrying out of the appropriate drainage strategy based on infiltration.**

The above mitigation measures nos 1, 2 and 3 shall be carried out fully in accordance with the approved details prior to the occupation any part of the development hereby permitted and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with the aims of Policies CS12 and CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 18 **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.

Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

Detailed surface water run-off and volume calculations to ensure that the site has the capacity to accommodate all rainfall events up to 1:100 year plus climate change.

Any areas of informal flooding should the system flood above the 1 in 30 year event.

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 in accordance with the aims of Policies CS12 and CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

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.

- 19 **Details of all exterior lighting to be installed at the application site shall be submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed and thereafter retained fully in accordance with the approved details.**

Reason: In the interests of safeguarding the character and appearance of the Conservation Area, the setting of the adjoining listed building, the residential amenity of the locality, highway safety, biodiversity, access for persons with disabilities and crime prevention/security in accordance with Policies CS12, CS27, CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 20 **The development hereby permitted shall be constructed to provide bat roosts and enhancements for nesting birds, with two Sparrow terrace boxes mounted in appropriate locations along with a Swift box mounted in the eaves of the new building fully in accordance with Turnstone Ecology letter dated 16 June 2016 . Once provided the measures shall be retained at all times.**

Reason: In the interests of biodiversity in accordance with Policies CS26 and CBS 29 of Dacorum Core Strategy.

21 **No development hereby permitted shall commence until the following are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

3. Details of wheel cleaning facilities for construction vehicles,

- **A Construction Traffic Management Plan and Access Route (s) ,and**
- **A scheme for on-site parking for construction workers. The scheme shall be implemented throughout the construction period.**

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

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

03 -KL -MA - 60a, 61b, 62b, 63b, 64b, 65a, 67b, 68b, 70d, 71, 72a, 72, 73, 74 and 79

Drainage: KIN-HYD-XX-XX-DR-D-5001

Tree Protection Plan:DO 188-02-D

D0 188-003

00155-C01-A

117215-1802 (002)

117215-1801 (003)

Parking 3D Layout

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 35 STATEMENT

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

Informatives

Land Stability

The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Contamination

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

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Councils website www.dacorum.gov

Highway Issues

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

2. 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Advice from Thames Water

1.Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes the developer share with neighbours, or are situated outside of the property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should the proposed building work fall within 3 metres of these pipes TW recommend the Developer sends a scaled ground floor plan of the property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

2.Surface Water Drainage.It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Advice from Hertfordshire County Council Lead 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 it is recommended there is reference to the LFA'S surface water drainage

webpage:<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewater/drainag>

Bats

In the event of bats or evidence of them being found, any works to the building must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0300 0603900, or the Herts & Middlesex Bat Group website: www.hmbg.org.uk

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;
Recklessly disturb bats;
Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

Hertfordshire Ecology can also provide advice. at Environmental Resource Planning, Hertfordshire County Council (Postal Point EMG CHN109), County Hall, Pegs Lane, Hertford, SG13 8DN ecology@hertfordshire.gov.uk Tel: 01992 555220

Water Supply Drainage

Affinity Water has advised 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 the Developer is advised to refer to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Contamination

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

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

APPENDIX 1 : PREVIOUS REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

Summary

The application is recommended for approval.

The principle of new residential development is acceptable in accordance with Policy CS1 of Dacorum Core Strategy on this brownfield site. Part of the site is subject to an extant planning permission for an elderly persons care home. The loss of the existing dwelling house at no. 1 Langley Hill will be compensated by the resultant public benefit of the centrally located inclusive replacement community doctors surgery and the provision of an elderly persons care home providing new specialist housing.

Despite the development's scale it can be visually/ physically accommodated within the site's heritage setting/ context in a positive way. It takes advantage of the levels and is compatible with the character and appearance of Kings Langley Conservation Area including its street scene, the setting of the adjoining/ nearby listed buildings and the immediate locality/ street scene beyond the Conservation Area, with due regard to its setting. There will be a compatible relationship with retained preserved trees.

There are no detailed objections including the effect upon the residential amenity of the locality and the highway safety/ access and parking implications. There is sufficient on site parking to serve the care home and surgery in a very sustainable location complemented by the availability of nearby public parking. The fully inclusive surgery serving the same area will be provided with more parking than the existing and with full and safe access for persons with disabilities and limited mobility.

There are no detailed layout/ environmental objections subject to the imposition of a range of associated necessary conditions.

Site Description

The application site comprises of two components. It combines No. 32 which is the site of the former now demolished Post Office Delivery Depot/ Centre and No. 1 Langley Hill, an unoccupied detached gable chalet bungalow abutting the original western boundary of no. 32

No. 32 is subject to an extant planning permission for a 36 bed care home. Construction work has stopped for a considerable time. All pre commencement conditions have been discharged.

No. 32 abuts the High Street- Langley Hill junction. It is a prominent location in the centre of the Kings Langley Village within the Conservation Area. Its elongated frontage is distinguished by preserved trees. The Red House, a Grade 2* listed building, is to the immediate north. The site frontage currently features building construction hoardings adjoining a main village bus stop.

No. 32's southern boundary adjoins the steeply rising Langley Hill. This boundary is defined by a high brick wall, adjoining grass verge and a preserved tree close to the former depot's site access onto Langley Hill. Views from the access into the site show very significant changes in levels across the site.

No. 1 Langley Hill is a detached gable chalet bungalow abutting the original western boundary of no. 32 which is defined by a high wall. No. 1 occupies a prominent position in Langley Hill visible from the 55 space public car park opposite.

Langley Hill Close is a private cul de sac of seven detached two storey dwellinghouses to the immediate west of no.1. Its access road adjoins the elongated boundary wall of no.1 Langley Hill which is located at a lower level.

No.1 Langley Hill Close is at the entrance to the cul de sac, set back from the Langley Hill- Langley Hill Close junction. This dwelling features an elongated open front garden which is

used as a main amenity space by the current owners with a smaller enclosed rear garden. No. 7 Langley Close is located to the north of the original curtilage of no. 32. No. 5 Langley Hill is to the immediate west of no 1. Langley Hill Close occupying an elevated and much more forward position. All these dwellings lie beyond the Conservation Area.

The existing Haverfield GP Doctors' Surgery at no. 34 High Street abuts the High Street and Langley Hill junction. It occupies a listed building and is within the Conservation Area.

The application has been submitted following the Development Control Committee's refusal of Application 4/00759/16/MFA for the construction of an extended care home and replacement doctor's surgery in August 2016. The Members decision was contrary to the Officer recommendation. The reason for refusal was:

'The proposed surgery will be served by inadequate off street parking which demonstrates that the scheme represents an overdevelopment of the site. The identified significant shortfall of parking will result in parking overspill from the surgery placing constant increased daily pressures upon the very busy public car parks in Kings Langley especially that opposite the application site. Langley Hill and the High Street will also be subject to additional on street parking pressures. The proposal would therefore be contrary to Policy CS12 (Quality of Design) of the Dacorum Core Strategy wherein on each site new development should comply with a range of design criteria, including (b) which expects the provision of sufficient parking. With less available customer parking to serve Kings Langley Village Local Centre - due to the proposal's shortfall in parking - there will be a negative impact upon the Kings Langley Local Centre's businesses customer/ operator base where the Dacorum Core Strategy Kings Langley Place Strategy supports the maintenance of the shopping and service role of the village centre'.

The Planning Inspectorate is currently considering an Appeal against this refusal.

Proposal

The two fold proposal involves the provision of a 61 bed care home and new doctors surgery by amalgamating the two sites and demolishing No.1 Langley Hill. Both will be served by the existing former Depot access from Langley Hill with a shared inner courtyard turning area linked to both surface and undercroft parking areas. No.1's existing access will be retained to separately serve frontage surface parking enclosed by a front wall with the surgery occupying a set back position from Langley Hill.

The design / form of the part of the care home fronting the High Street is a modified version of the extant 2012 scheme with a fine tuning of its design.

The care home's form is based upon an elongated two and a half storey gable roof building fronting, parallel with and set back from the High Street featuring an enclosing low wall and railings. The building will feature a portico entrance and a distinctive parapet style roof and recessed flat roof dormers. A subordinate two storey element will adjoin the Grade 2* listed Red House. The building's recessed position from the High Street enables the retention of the preserved trees.

This care home main front component will be linked to a two and a half storey rear wing in the form an inverted/ reverse L' shape layout/ form. This 'tail' will be positioned along part of the northern side of the site. Its western end will be linked to the proposed gable roof two and a half storey surgery building served by undercroft parking. The surgery will lie parallel with but inset from the retained historic boundary wall fronting Langley Hill Close.

The front and rear gable ends of the surgery building will feature bedroom windows. The rear

window will be, according to the submitted documentation, 29m from the rear first floor window of no. 7 Langley Hill Close. There will be roof lights within the surgery's western roofslope opposite No.1 Langley Hill Close and separated by the cul de sac roadway.

There will be 17 parking spaces for the care home and 12 for the ground floor surgery through the combination of the undercroft and surface parking. The layout includes 2 disabled spaces and 1 pool car space. A bin and recycling store is located on the southern side of the courtyard area adjacent to the care home. There is a secure cycle storage area serving the care home which will feature a small garden area in the northern corner.

The proposed care home will comprise of a staff room, Care Home Managers Office and Administration Office, reception lobby, relaxation areas and lounge/dining rooms on the ground and lower ground floors. The basement served by light wells will accommodate a kitchen/preparation area, activities room, training room, laundry room, boiler room, treatment room, cinema, various storerooms, staff room and chapel.

The surgery features a reception/waiting room, patient wc's, administration office, store, kitchen, meeting room, manager's office, nurses treatment room and three doctor consulting rooms.

The application is accompanied by a wide range of supporting documents.

Applicant's Post Refusal Actions: Summary

These include:

- The Applicant / Agent dialogue with Officers in accordance with standard expected Article 35 Protocol.
- The Applicant's review of the refused scheme and its resultant significant redesign with the focus upon providing additional off street parking by modifying the surgery design through the incorporation of undercroft parking, providing 12 spaces for the Surgery and 17 for the care home.
- The carrying out of a parking survey.
- Submission of an Appeal against Refusal 4/00759/16/MFA .
- Dialogue with the Lead Flood Authority.

The Proposed Facilities : Overview (as per Report 4/0759/16/MFA)

The previous report noted :

Care Home

B&M Care operate more than 20 care homes for the elderly in the Home Counties and are always striving to provide the very best living environment for their elderly residents. The proposed extension to accommodate the additional beds for the elderly would meet modern Care Quality Commission (CGC) 2010 Essential Standards of Quality and Safety standard for Older People, which assists providers to comply with section 20 regulations of the Health and Social Care Act 2008. The standards specify minimum size and spaces standards for bedrooms, corridors, escapes, communal spaces etc. right down to furniture and fittings. Dementia care will be available.

B & M Care is a responsible care home operator with more than 30 years of experience in developing and operating care homes for the elderly. B&M Care operate in the region of 1150 bed spaces in 22 care homes for which they have won a number of industry design awards for the design of their care homes.

The Supporting Statement confirms that :

- Most residents will be 80+ years.
- All residents will need assistance with mobility and daily life.
- Most residents suffer from a level of dementia to varying degrees.
- No residents will leave the site unassisted. They will live effectively in a self-contained gated community.
- All residents will due to their age and health be confined in the main to site, although occasionally a resident may be taken out for the day by a relative.
- The residents will not place additional demands on local facilities and services.

The need for a new GP Doctors Surgery

The supporting document confirms:

1. The Principals of Haverfield Surgery based at 34 High Street, Kings Langley approached B&M Care in early 2015 to enquire whether they could accommodate a new GP surgery within the B & M development.

2. Haverfield Surgery is a local GP practice with nearly 3,500 patients. There has been a 'doctors surgery' on this site going back to 1747. In 1968 Dr Doris Brown gave the grounds at the rear of Haverfield to Dacorum Council as free car park for the benefit of Kings Langley in perpetuity. There are approximately 55 spaces available in this car park located directly opposite the application site.

3. The GP surgery operates out of a listed premises which is unfit for purpose by modern standards. A new premises would allow for fully disabled access and an opportunity for the surgery to expand their activities, expand its list and deliver other aspirations and ambitions for the local community.

4. A NHS England GP Premises Team Inspection Report 2015 deemed the current Haverfield Surgery premises not to be compliant with the Equality Act 2010 in most aspects. Particular mention was made of the main entrance, with steep sloping access and a substandard disabled access via a side entrance.

5. B&M Care would welcome the creation of a "Community Hub" offering GP care to Kings Langley community and residents of the home alike.

6. A brand new 21st Century GP surgery can offer fully disabled access, provide additional services, expand their patient list, employ an additional Partner GP, become a qualified GP Trainer and an accredited training practice helping to meet locally the NHS work force challenges, offer 'on the job' training and offering long term continuity of services for Kings Langley.

7. Furthermore, the Practice could offer additional services minor surgery services, maternity & family planning services and vaccine clinics. The surgery would be able to bring in hospital consultants to offer out-patient consultations and clinics for the local community.

8. The proposed Surgery in terms of floor area would appear similar or possibly smaller but with much more efficient use of space. This will allow the practice to add one additional GP in the future if the needs of the Kings Langley require it, without the need to relocate. This is as noted in the Operators joint statement submitted as part of the application.

Annex A is the Operators Statement. A Care Quality Commission Report by Professor Steve Field was published on 20 July 2016 following the surgery inspection in April 2016.

It has been recently clarified that Haverfield Surgery does not have a waiting list. There are 3342 patients registered at the surgery; 1939 are Kings Langley residents (58%) Other patients are from Abbots Langley, Chipperfield, Bovingdon, Hemel Hempstead and a few surrounding villages.

Haverfield Surgery employees 12 members of staff at no.34. There are 5 clinicians (3 GPs, 1 nurse, 1 health care assistant) and 7 administration staff. 1 GP is full time and 2GPs job share as a full time equivalent. All other employees are based upon various part time hours. There are also two evening based cleaners.

Background to Application 4/00759/16/MFA

This noted:

The B&M Care Operators Statement confirms that there has been dialogue between B&M and Haverfield GP Practice Kings Langley since early 2015 to consider whether the site was capable of accommodating a new GP surgery. It has been confirmed that No.1 Langley Hill came on the market in later 2015 and opened up the possibility of meeting the needs of a new GP surgery for Kings Langley and some additional care home beds.

According to the submitted Design & Access Statement before submitting the application B&M Care and Haverfield GP Practice were in communication with Kings Langley Parish Council and 'Ward and District Councils in Dacorum Borough' outlining their intentions for this planning application. There was no pre application dialogue with officers.

Relevant Planning History

Planning Permission 4/01800/12MFA. Demolition of existing building and construction of 36 bedroom residential care home with parking, tree protection and gardens. The development has commenced.

4/01237/14/DRC Discharge of Pre Commencement Conditions 2, 7 (part), 9, 14, 19 and 20 of Planning Permission 4/01800/12MFA. Whilst there has not been discharge of pre commencement conditions 8 and 15 it is interpreted that due to their terms this does not nullify the permission which remains extant/ live.

Conservation Area Consent 4/01849/12/CAC Demolition of the former Post Office Building.

Temporary Planning Permission 4/01524/12 Temporary change of use from delivery office (B8) to fitness centre (D2): Ground floor only for 24 months.

Refusal 4/00759/16/MFA. Proposed rear Care Home extension to provide an additional 21 bedrooms and a new Surgery. See above.

Tree Preservation Order at the Site. This emergency TPO was made due to officers concerns during the consideration of the care home proposals in 2012 regarding the development's compatibility with the trees.

Procedural Issues

Representation by the Residents of 27 Langley Hill to Mike Penning, MP. The MP's letter has been sent to the Chief Executive. In summary this representation refers to the decision to grant the care home originally and the lack of local knowledge of this and the objections to the current development. Note: There were 25 neighbour letters dispatched by the LPA and notification of the Parish Council for the 2012 application.

Site Notices. Two notices were installed. One was attached to the traffic sign at the High Street-

Langley Hill Close junction and the other attached to the gated access. Both were very firmly affixed. It was reported that there was not one at the gate. The Agent was requested about knowledge of its removal and is unaware. In reviewing the situation a replacement notice was not installed - the only requirement is for its display. The second notice remains in place when recently checked. The LPA has complied with its statutory publicity requirements and there has been substantial neighbour consultation with 38 individual letters sent by the LPA.

Revised Plans. These relate entirely to specialised Heritage Issues referred by the Conservation & Design Team in 'fine tuning' the design. These include:

- (1) Added brick string course to front elevation / parapet roof.
- (2) Reduced canopy / portico.
- (3) Removal of doors and Juliet balcony from first floor front elevation.
- (4) Increase in the window heights first floor front elevation.
- (5) Front railings to Kings Langley High Street.
- (6) Boundary wall and gates treatment to Langley Hill.
 - (a) Coping to match the existing wall in Langley Hill
 - (b) Garden wall bonding and brickwork details.
 - (c) Piers and walls for garden wall bond.

It was not considered that these required reconsultation with the Parish Council, technical consultees and the neighbours, other than the Conservation Team which requested these detailed design changes. At the DCC meeting Members will have the full opportunity to consider the heritage implications of these changes.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Kings Langley Parish Council and the previous decision 4/00759/16/MFA.

Constraints

Large Village
Local Centre
Conservation Area*
Adjoins Conservation Area*
Tree Preservation Order
Area of Archaeological Importance
Former Land Use
Parking Accessibility Zone
Community Infrastructure Zone 2
Air Direction Limit

*Note: No. 32 High Street is within the Conservation Area. No.1 Langley Hill is outside the Conservation Area.

Policies

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

Dacorum 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
CS14 - Economic Development
CS16 - Shops and Commerce
CS17 - New Housing
CS23 - Social Infrastructure
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 51, 54, 57, 58, 63, 96, 100, 101, 113, 119 and 120
Appendices 1, 2, 3, 4, 5 and 8

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)
Planning Obligations (April 2011)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Representations

Kings Langley Parish Council

The Council object to this application for the following reasons:

- There are still several windows would be overlooking existing residential homes, affecting the privacy of the resident.
- It would result in a large, over-cramped development of the site.
- There is still insufficient parking, despite recent changes submitted by the applicant. The Council is particularly concerned that the staff working in the new care home would take up a very high proportion of the parking spaces in the car park opposite the development which would seriously impact on its use by local people and visitors to shops and businesses, and, therefore, a detrimental effect on those shops and businesses, and the village as a whole.
- Further, the proposed additional parking “block”, which the Council feels is inappropriate, would be an eyesore and intrusion to the nearby properties in Langley Hill Close, and have

a detrimental impact on the nearby street scene.

- There are potential traffic / access issues.
- It will have a detrimental impact on the character of the village.

The Council was concerned, further, that restrictive covenants exist on some parts of the property being incorporated into the new development, which it believes would be broken.

Strategic Planning

SP acknowledge that previously comments have been made by Strategic Planning (as part of application 759/16/MFA and 1800/12/MFA) which SP still deem are relevant for this proposal. The application is complicated as parts of the proposal are already approved. SP's comments will proceed to consider any additional development which is currently proposed within the new planning application over and above that permitted by the above scheme and related impacts this may give rise to. The key concern raised in refusing 6/00 759/16 was to ensure sufficient on-site parking is provided comprehensively for the care home and GP surgery (see (ii) below).

It is noted that the applicant states that there is demand for care home spaces for the elderly in the Borough and Hertfordshire given the ageing population. As a result of the existing permission, this use type and general scale of scheme is in principle established. While geared to residential areas Policy 71: Community care of the Dacorum Borough Local Plan 1991 – 2011 states that:

“..development of community care facilities for the handicapped and elderly will be encouraged in residential areas provided: (a) schemes incorporate adequate space for necessary ancillary services, amenity and visitor car parking; and (b) there is no over-concentration of community care facilities.”

Point b) is a matter of consideration for the case officer, although SP is not aware that this is a local issue.

- Planning Permission 4/01800/12/MFA

SP recognise that the LPA cannot object to the principles of the permitted 36 bed care home (as the use of this land as a C2 Residential Institution has been considered appropriate (by planning permission 4/1800/12/MFA) :

Development permitted by 1800/12/MFA:

- 36 bedroom residential care home
- 10 parking spaces (including 2 disabled spaces and 1 pool car space)

The applicant has confirmed that demolition of the former Post Office Sorting Office has occurred and that the above permitted development has commenced on site. This means that the permission 4/1800/12/MFA has been 'implemented'. SP note that the supporting documentation refers to this site as a 'stalled construction site'.

- Refused Planning Application 4/0759/16/MFA

SP note that a previous application (4/0759/16/MFA) proposed to extend the permitted care home by an extra 21 bedrooms. This proposed extension would have resulted in a 57 bed care home overall. Planning Application 4/00759/16/MFA was refused by the Development Control for the reason referred above.

Development proposed by 4/00759/16/MFA:

- 21 bedroom residential care home and GP surgery
- 7 parking spaces and 6 new cycle parking spaces

•Current Application 4/03473/16/MFA

The proposal seeks to create a 61 bedroom care home with communal areas, landscaping and designated parking. SP acknowledge that the proposal involves the demolition of the vacant dwelling at 1 Langley Hill. The Applicant confirms that they have undertaken significant re-design of the care home/GP Surgery and layout proposal for the site (since the previous planning application), enabling them to achieve the required parking provision for the GP Surgery through the use of under croft parking off Langley Hill..

SP note that the Applicant states that *“the scale of the proposed care home will be appropriate in the street scene and will not have a detrimental impact on adjoining neighbours”*. The Applicant has also stressed the need for the new GP doctor’s surgery and how they have sought to overcome the previous reasons for refusal.

It is acknowledged that the proposal includes the relocation of the Haverfield Surgery (from 34 High Street, Kings Langley) which is a local GP practice with an established patient list. This surgery is currently located on the corner of High Street and Langley Hill, on the south side and operates out of listed premises which have been deemed ‘unfit for purpose’ by modern standards (in terms of DDA requirements). The Applicant states that this proposal provides an opportunity for the surgery to expand their activities, expand its list and deliver other aspirations and ambitions for the local community. The Applicant states that the mixed use for a doctor’s surgery and a residential care home could be seen as a creation of a “Community Hub”.

Given the above points, SP welcome the principle of the new surgery and the logic of this forming part of a mixed use community development. Core Strategy Policy CS23: Social Infrastructure supports development which is located to aid accessibility and is designed to allow for different activities. It states that the dual use of new facilities will be encouraged and existing social infrastructure will be protected unless appropriate alternative provision is made. This scheme provides multi-functional spaces and the building has been designed to house multi-uses. Core Strategy Policy CS4 (The towns and large villages) also supports residential and community uses in local centres provided that it is compatible with its surroundings.

- On-site Parking Provision and sustainable transport

Initially, SP will consider the levels of proposed on-site parking provision which was the reason for refusal of the previous application.

Parking should be provided in accordance with saved DBLP Appendix 5. The views of the Local Highway Authority should be sought.

It is acknowledged that the proposal is partly located within the defined local centre boundary. We note its proximity to existing public car parking. The applicant states that the proposal meets the Councils current adopted parking standards. The applicant states that the current Haverfield Surgery has no dedicated parking spaces, so this provision could be viewed as betterment on the current arrangements. SP also recognise that there are currently higher levels of parking proposed to that included in the previous two applications, which proposed a combined total of 17 car parking spaces.

The Applicant confirms the proposed on-site parking will utilise the accesses currently serving 1 Langley Hill and 32 High Street.

SP welcome the additional spaces provided by this proposal (created by the reconfiguration of the building layouts) and recognise that the improved parking provision would go some way to

address the concerns raised in the Refusal Notice of 4/00759/16/MFA. The Case Officer needs to give consideration as to whether the proposed level of parking fully meets the parking concerns. In addition, the Case Officer will need to give consideration as to whether the proposed first floor level is a safe and convenient proposal, does not create overlooking or negatively impact upon the street scene.

Within the Design and Access Statement, the applicant confirms that they have completed a parking and traffic survey and Transport Statement for this proposal. The applicant states that *“furthermore, there is a ‘free’ 55 space car park located directly across Langley Hill from this care home, to the south, as well as on street parking opportunities as expressed in the Transport Statement.”* The Design and Access Statement summarises the conclusions from the Transport Statement including that overspill from the proposal is highly unlikely to occur, but if it does that there are sufficient on-street parking spaces available along the nearby streets and in both car parks. SP has considered the key maximum parking standards influencing the proposed provision to be as follows:

	DBLP - CAR PARKING PROVISION			Number required to meet maximum parking standards	Planning Application proposes
	Maximum car parking standards	Cycle parking standards	(% of maximum demand-based standard) for Accessibility Zone 4		
D1 Non residential institutions (e) Surgeries & clinics	3 spaces per consulting room plus 1 space per employee other than consulting doctors/dentists/vets	1 s/t space per consulting room plus 1 l/t space per 10 staff on duty at any one time	75-100%	16 car parking spaces (12 car parking spaces when accounting for Accessibility Zone 4)	12 car parking spaces
	3 x doctor consulting rooms, 1 nurses room, plus the number of additional employees other than consulting doctors				
C2 Residential institutions (b) Elderly persons residential & nursing homes (Category 3)	0.25 spaces per resident bed space; parking for resident staff to be based on general needs standard	1 s/t space per 20 beds plus 1 l/t space per 10 staff on duty at any one time		15.25 car parking spaces	16 car parking spaces
	61 bed spaces with no parking for resident staff				
Total cycle spaces					6 cycle spaces

Core Strategy Policy CS8: Sustainable Transport states that *“all new development will contribute to provide sufficient, safe and convenient parking based on car parking standards: the application of those standards will take account of the accessibility of the location, promoting economic development and regeneration, supporting shopping areas, safeguarding residential amenity and ensuring highway safety.”* The Applicant states that the site is located in a sustainable position in respect to public transport needs, nearby shops, employment and other services within a reasonable distance. The Applicant also states that there will be suitable arrangements made for a covered and secure cycle parking facility (6 spaces provided), which is supported by Policy 62: Cyclists of the Dacorum Borough Local Plan 1991 – 2011. While not a fundamental showstopper to the development, it is unclear how the cycle provision meets our standards prescribed above. The Case Officer should give consideration to this.

Policy 57: Provision and management of parking of the Dacorum Borough Local Plan 1991 –

2011 states that *“the minimum level of car parking provision will be sought in developments by adopting maximum demand-based standards of provision. Provision will be reduced below this level in locations accessible by other travel modes or which can be made more accessible through planned improvements or as part of the development.”* The on-site provision is equivalent to that required by policy and SP note the site’s proximity to the existing public car park (subject to available capacity). SP do not regard this as a problem, particularly as Government guidance (see paragraph 39 in the NPPF) no longer makes any mention of maximum standards that should not be exceeded. On balance, SP therefore consider a reasonable quantum of parking is to be provided bearing in mind the location in the local centre and the proximity of public car parking. Although more detailed views on transport matters should be obtained from the highways team.

- Impact upon the Conservation Area

1 Langley Hill is not within the Conservation Area, unlike the existing care home. Therefore the proposed care home and GP surgery should generally be deemed to be located within or impact upon the conservation area.

Saved DBLP Policies 119 and 120 (Core Strategy Policy CS27) are relevant, as the site is located adjacent to the Red House (a listed building) and within the Kings Langley Conservation Area. The application should also be assessed against saved DBLP Policy 99 given the presence of trees on the site.

Policy 120: Development in conservation areas of the Dacorum Borough Local Plan 1991 – 2011 states that *“new developments or alterations or extensions to existing buildings in the conservation areas will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area. Development proposals outside a conservation area which affect its character and setting will be considered likewise.”* It is acknowledged that the design, proportions, materials and detailing have been selected to mirror the approved care home design. The two care home proposals cumulatively is likely to impact upon the established building lines, layouts and patterns as well as scale and proportion within the area.

SP would expect the proposal to ensure quality of design given its prominent position and frontage on to the street. SP would also expect that views on this have been sought from the Design and Conservation team with regards to whether the proposal would adversely affect the established character of the area.

- Design

Saved DBLP Policy 10(Optimising the use of urban land) supports proposals for new development designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies. Saved DBLP Policy 21(Density of residential development) states that careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of the land available. Core Strategy Policy CS1: (Distribution of development) states that *“the market towns and large villages will accommodate new development for housing, employment and other uses, provided that it a) is of a scale commensurate with the size of the settlement and the range of local services and facilities; b) helps maintain the vitality and viability of the settlement and the surrounding countryside and c) causes no damage to the existing character of the settlement or its adjoining countryside.”* The Applicant states that the proposal will assist with meeting an identified need for residential care in the area, will provide for the re-provision of the doctors surgery proximate to the community, is of an in-keeping scale and is not damaging to the existing character of the settlement.

Saved DBLP Policy 111 (Height of buildings) states that *“within the towns and large villages,*

buildings up to three storeys will be permitted provided they harmonise with the character surrounding area.” It is acknowledged within the DBLP that pressure for new buildings is likely to fall within Kings Langley, but to maintain the character of the settlement and its relationship with the countryside building heights should be limited. It is acknowledged that this proposal is of a similar scale and height to the permitted care home building.

Core Strategy Policy CS12 (Quality of Site Design) requires the provision of sufficient parking and sufficient space of servicing, to respect adjoining properties in terms of scale, height, bulk and materials and integration with the streetscape character. It is acknowledged that the proposal will utilise the same materials as those approved for the permitted 36 bedroom care home.

Design is an important matter due to the schemes prominence on the street scene and corner plot. The impact of the blocks scale and bulk of development should be considered against the immediate character of the area and alongside the matters highlighted from the relevant policies above. The quality of the design and materials are of considerable importance to ensure that the proposal is sympathetic to its surroundings and location within the conservation area. Can the proposal be conditioned to ensure the detailed material choices do not adversely impact the area?

Area of archaeological significance

The proposal is located in an area of archaeological significance (saved DBLP Policy 118 and Core Strategy Policy CS27). SP would expect the County Archaeologist to provide detailed comments about any impacts resulting from this proposal.

- Proposed land use

The saved DBLP shows the site as being located within the Kings Langley local centre. Saved DBLP Policy 9 (and Policy CS4) includes guidance on which land uses are acceptable in town and local centres. Given the site's location in the local centre, SP stated at the pre application stage that it would like to see a retail element within in the redevelopment proposals for the site. However, the previous use of the site was non-retail (and planning permission 1800/12/MFA accepted has no retail development on this site), so the fact that no retailing is included in the current application does not constitute a reason for refusal.

Whilst the proposed use is purely a residential institution and GP surgery, we regard it as acceptable bearing in mind that:

- paragraphs 14.25 and 14.26 in the Dacorum Core Strategy highlights the need for housing for elderly people, including residential care (mainly private beds);
 - paragraphs 28.1 and 28.2 in the Dacorum Core Strategy highlights the need for the timely provision of social local infrastructure to meet the day-to-day needs of the population;
 - the proposed care home and GP surgery will provide a relatively significant number of jobs, which is appropriate in this local centre location.
- Loss of housing

The proposal will result in the loss of a dwelling. Saved DBLP Policy 15 and Core Strategy Policy CS17(New Housing) both seek the retention of housing land. Saved DBLP Policy 15 does allow some flexibility where essential small-scale essential facilities would be provided and alternative properties are not available. SP is happy to support such a flexible approach to the loss on the basis that the proposal will provide for a new and improved doctors surgery to meet the needs of the village. SP would also acknowledge that it would have proved difficult to find an alternative and suitable non-residential site as opportunities are likely to prove very limited in the village. However, it would be helpful for the applicant to confirm this position.

- Amenity space

The amount of amenity space proposed is not particularly generous, but is probably acceptable given the nature of the occupants. There are no Local Plan standards for amenity space for care homes and we do not consider that it would be reasonable to require as much provision as that set out in Appendix 3 to the Local Plan for residential development designed for multiple occupancy.

Conclusion

In principle, SP welcome the proposal as it can contribute towards meeting the health and community needs of Kings Langley and helps to meet the identified need for housing for elderly people, in a sustainable village centre location. Therefore, SP do not have any fundamental objections to the proposed development as there is already a precedence created from the existing permission, subject to:

- the detailed consideration of the matters related to cumulative impacts of the scheme;
- impacts on the conservation area through design of the building; and
- consideration of specialised comments from archaeology, highways and conservation teams.

Conservation & Design: Initial Response

- Comment

The application has been revised since the previous proposal which was refused at the planning committee. In principle the proposal would be acceptable and in keeping with the character and appearance of the conservation area. The replacement of this current gap site with an appropriately designed building would be acceptable. CD believe that the previous design sat more comfortably with the streetscape to Langley Hill but would not object to the revision to provide additional car parking. It is however essential that the wall is appropriately detailed as are the gates to ensure that this space does not detract from the Conservation Area with the introduction of a larger area of car parking.

CD would recommend that a number of elements be reviewed with regards to the design. The proposed portico entrance still requires further review. This should be further narrowed or 2 additional columns be added to ensure that the proportions are correct. Currently the feature is too wide and as such looks out of proportion and of an incorrect detail. Above this the Juliet balcony must be removed. The feature is completely unacceptable. If this larger window were wanted then either a stone or decorative iron balustrade could be added to the top of the portico. If additional protection was required at the window this should be added to the interior of the room rather than situated externally.

Given the scale of the elevation and type of traditional architecture being used CD would recommend that an additional string course be added to the junction area at the top of the wall plate where the parapet begins. It may also be useful to consider increasing the length of the first floor windows to the façade of the main block to create the impression of a piano nobile. This could be beneficial in that the windows in the lounge/ dining area are within this space and therefore better views and additional light could be provided. It would also be recommended that the rooms to the façade and to the stair on the gable to Langley hill should be recessed and not flush as currently drawn. This would result in a more appropriate and traditional detail to the design and create shadow lines which would help break up the facade.

The other concerns would be to ensure that the boundary treatment to Langley Hill is appropriate. Therefore the brick, bond and coping detailing should match the existing wall which

can be seen at both adjacent to the site of the proposed wall and to Langley Hill Close. The gates would be prominent within the streetscape and therefore the design, details and finish of the gates should be of a high standard to be appropriate and sit comfortably with the character of the Conservation Area. There may need to be some consolidation work to the wall to Langley close to ensure that it can support the gates as at present it would appear to need additional works. Details do not appear to have been submitted for the boundary treatment to the High Street. It would be recommended that this be railings on top of the brick wall to ensure that there is a visual interaction with the building and the High Street. It would be recommended that these details are submitted now to avoid the need for conditions and help clarify the detailing of the above.

- Recommendation

In general the proposals are acceptable. However it would be recommended that the detailed design of the façade be reviewed and amended to ensure that the character of the conservation area is preserved with the alterations to this building. Brick, brick bond, mortar colour, stonework, slates, rainwater goods, joinery details and finishes, eaves details and finishes, boundary treatments/ gates details and finishes subject to approval.

Design & Conservation : Second Response

- Comment

The application has been revised since the previous proposal which was refused at the Development Control Committee. These comments relate to the revised drawings submitted 6/2/2017 following negotiation with the Agent.

In principle the proposal would be acceptable and in keeping with the character and appearance of the conservation area. The replacement of this current gap site with an appropriately designed building would be acceptable. CD believe that the previous design sat more comfortably with the streetscape to Langley Hill but would not object to the revision to provide additional car parking. It is however essential that the wall is appropriately detailed as are the gates to ensure that this space does not detract from the conservation area with the introduction of a larger area of car parking.

CD believe that the revised elevations have resolved our concerns noted previously. The proposed principle elevation to the High Street would now sit comfortably both as a building in its own right and with the character of the surrounding conservation area. It now better reflects the architectural details of the period architecture chosen for the building and therefore should blend in with the surrounding built environment. CD also note the proposed amendments to the gates and wall to Langley Hill. CD believe that these now better reflect the character of the area and the proposed building. They now relate well to the architecture of the building and would show its significance and status within the conservation area. The reinstatement of the wall and the proposed gates would provide a suitable sense of enclosure. Therefore CD believe that this elevation, boundary and streetscape has now been resolved and would be in keeping with the character of the conservation area.

- Recommendation

The proposals are acceptable. Brick, brick bond, mortar colour, stonework, slates, rainwatergoods, joinery details and finishes, eaves details and finishes, Landscaping materials and detailing subject to approval.

Building Control

Comments awaited.

Scientific Officer

It is understood that the current application follows on from the extant planning permission 4/01800/12/MFA for the construction of a 36 bedroom residential care home and a refused proposal for a rear extension to provide an additional 24 bedrooms and a new GPO surgery (4/00759/16/MFA).

Condition 14 of planning permission 4/01800/12/MFA related to contamination. The following reports were submitted and approved under 4/01237/14/DRC to facilitate the discharge of this condition:

- Preliminary Investigation Report; Contract: 52200; Ian Farmer Associates (1998) Limited; March 2014
- Report on Phase 2 Ground Investigation; Contract 52200A; Ian Farmer Associates (1998) Limited; May 2014
- Gas Monitoring Letter Report; Reference: VT/vt/52200A/7927; Ian Farmer Associates (1998) Limited; 9 June 2014
- Remediation Statement; Ref: WGG/gg/52200A/8018; Ian Farmer Associates; 9 September 2014

The intrusive investigation identified elevated concentrations of Lead and Benzo(a)pyrene in Made Ground on-site. It was recommended that the Made Ground be removed from areas of proposed soft landscaping and a 600mm thickness of clean cover provided. The intrusive investigation also noted a hydrocarbon odour in WS6 between 0.40 and 0.80mbgl. It is considered possible that this may be associated with a previously unidentified former underground fuel storage tank or associated infrastructure. Although the corresponding soil sample taken from this depth did not identify any exceedances of the adopted generic assessment criteria in respect of individual TPH carbon fractions, it was recommended that the developer be advised to keep a watching brief during future ground works on the site (particularly within the vicinity of WS6) for any potentially contaminated material or structures. The last correspondence (memo to planning dated 20 October 2014 following submission of the Remediation Statement) indicated that the information submitted to date was sufficient to allow discharge of sections (a) *Site Characteristic* and (b) *Submission of Remediation Scheme* of condition 14. Sections (c) *Implementation of Approved Remediation Scheme* and (d) *Reporting of unexpected Contamination* remained outstanding.

In respect of the current application, the SO would ask that the existing reports be revised and re-issued to take into account the new application and any alterations to the proposed site layout. The Report on Phase 2 Ground Investigation, (specifically section 8.4 *Risk Assessment - Human Health*) must be updated to reflect the changes to guidance which have occurred since the report was initially written in May 2014, (the publication of new generic assessment criteria – S4ULs etc.) Any changes to the human health risk assessment are likely to alter the remedial works proposed.

In reference to the hydrocarbon odour identified in WS6, the requirement for a careful watching brief for further visual or olfactory evidence of hydrocarbon impacted soils and subsurface structures is required.

To ensure the above works are undertaken, the SO recommends that the following contamination conditions be attached should planning permission be granted:

Condition 1:

Prior to the commencement of the development hereby permitted revised copies of the following reports shall be submitted:

- Preliminary Investigation Report Preliminary Investigation Report; Contract: 52200; Ian

Farmer Associates (1998) Limited; March 2014.

- Report on Phase 2 Ground Investigation; Contract 52200A; Ian Farmer Associates (1998) Limited; May 2014.

The reports must be revised and re-issued to take into account the new application and any alterations to the proposed site layout. The Report on Phase 2 Ground Investigation, (specifically section 8.4 Risk Assessment - Human Health) must be updated to reflect the changes to guidance which *have occurred since the report was initially written in May 2014*, (the publication of new generic assessment criteria – S4ULs etc.)

If the revised 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 stu

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 con

Condition 2:

All remediation or protection measures identified in the Remediation Statement referred to in the above condition, 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 Councils website www.dacorum.gov.uk

Trees & Woodlands

The T& W Officer met the Applicant at the last year to assess the condition of the 2 Yew trees protected by TPO. The Applicant wished to remove the 2 trees to make room for additional parking spaces. The T& WO can confirm that the removal of these trees cannot be justified for the reasons given by the applicant. T& WO has no further comments at present.

Environmental Health: Noise/ Pollution

No adverse comments.

Environmental Health: Food, Health & Safety

Comments awaited.

Refuse Controller

Comments awaited.

Hertfordshire County Council: Highways

- Decision

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

1 The construction of the development shall not commence until details of construction vehicle movements and traffic management measures are submitted to and approved by the local planning authority. *Reason: To ensure the impact of construction vehicles on the local road network is minimised.*

2 Before commencement of site works, the method of washing of vehicle wheels exiting the site shall be agreed in writing with the planning authority and the agreed method shall be operated at all times during the period of site works. *Reason: In the interest of highway safety and amenity.*

3 .Prior to the first occupation of the development, the applicant shall update the Travel Plan associated with the main care home to encourage the use of alternative modes of transport to the development. This Plan will be prepared and updated in accordance with HCC document 'Hertfordshire's Travel Plan Guidance for Business and Residential Development' available at <http://www.hertsdirect.org/services/transtreets/highways/highwaysinfo/hiservicesforbus/devmanagement/greentravelplans1/>. *Reason: To promote sustainable transport measures for residents, visitors and staff at the new development.*

4 All areas for parking, storage and delivery of materials associated with construction of the 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.*

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

- Proposal

The site is the former Post Office sorting office in Kings Langley and has planning permission for a 36-bed care home for the elderly under 4/01800/12/MFA. That development has now started. This application follows on from an application made last year to further extend the care home by an additional 26 bedrooms and provide a GP surgery with off street parking 4/00759/16/MFA. Subsequently, the 'extension application was refused by Dacorum Borough Council in August 2016. The application seeks to address the off street parking concerns and is supported by a completed application form, a site location plan, proposed site layout plans and a Design & Access Statement.

- Site and surrounding road network

The address given for the site on the application form is 32 High Street, Kings Langley. The current application is seeking permission to build on the whole site including that of the bungalow at 1 Langley Hill. All vehicular movements and therefore access will be via the two existing accesses off Langley Hill. Langley Hill is a Local Access Road in the HCC hierarchy of roads. Langley Hill Close is a short (70m) cul-de-sac running along the western boundary of the site. It is a private road not maintained by the highway authority.

Road safety Investigation of records held by HCC for the last 5 years show that there have been no collisions resulting in casualties on Langley Hill. Two collisions resulting in slight injuries are recorded at the junction with the A4251 High Street and a third 50m to the south and a fourth 75 to the north.

- Access to the site

The responses to question 6 in the application form indicate that there would be no changes to vehicular or pedestrian access points as mentioned above off Langley Hill. It was established in the analysis by the highway authority of the previous planning applications that adequate visibility is available from the site accesses.

- Parking

There are double yellow lines on both sides of Langley Hill as far as Langley Hill Close. From that point they extend on the north side only to keep the junction clear. From thereon parking is unrestricted but there are residential crossovers on both sides which create gaps in any parking that takes place. There is a 55 space car park located directly across Langley Hill from the care home. No charge is made for its use.

The response to application form question 10 indicates that there will be 29 car parking spaces on site, 2 of which would be for disabled. The D&A statement, section 2.4 suggests that there will be 12 spaces for the doctors' surgery. There would also be 6 new cycle parking spaces provided within the site. The parking arrangements are shown on the submitted plans with 9 parking spaces being accessed via the undercroft section of the care home.

Dacorum Borough Council as a local planning authority will determine the level of parking they require for the development proposal. As stated above, the proposed changes as part of this latest planning application would increase the overall parking provision considerably when considered against the previous applications.

Servicing Computer-generated swept path plot has been provided which indicates that the internal court yard area could be used to allow an HGV to make a three-point turn allowing it to enter and leave the site in forward gear.

- Assessment

The Highway Authority in assessing the application details and the proposed change of use from B8 use to C2 care home is likely to generate fewer trips in the peak times (AM and PM). In addition numbers of trips from the elderly care unit during peak hours are likely to be relatively low. The Design and Access statement suggest that the average age of resident is likely to be 80+ and they will need assistance due to mobility concerns. The Applicant has indicated that staff will be working on shift patterns and that many will walk to work from the local area. This would not cause significant increases at peak times. Visitor traffic to and from the site is likely to

be generated outside the general peak hours.

Conclusion

The Highway Authority has reviewed the information submitted and is satisfied that the proposed development would not create a significant negative impact on the free and safe flow of traffic on the adjacent public highway provided that all the conditions recommended are applied.

Hertfordshire Constabulary: Crime Prevention

HC thank the applicants for dealing with HC's previous comments at page 44 of their Design and Access Statement, part 7.25. As a result HC have no comments.

Hertfordshire Fire & Rescue Service

Access for fire appliances and the provision of water supplies appears adequate.

Hertfordshire Ecology

Further to HE's last comments in December 2016 which referred to an outstanding bat survey, it is noted that this had in fact been undertaken according to the date of the bat report (June 2016), based on surveys undertaken in May 2016. HE was previously unaware of this statement.

The emergence [presence / absence] surveys of the building did not identify any bat use of the building to be demolished - 1 Langley Hill, and little bat activity in the surrounding area generally. No further surveys were recommended. HE have no reason to question these observations and consider it is reasonable to take a view that bats are not using the building.

3. A number of recommendations were also made by the Ecological Consultant:

- *Roosts will be included within the new building and will comprise two Schwegler 1FR and two 1FE (with back panel) bat tubes built into the exterior walls in four locations (one on each aspect).*
- *Exterior lighting should be low level only and no lighting should be directed near the replacement bat roosts.*
- *Enhancements at the site should be made for nesting birds, with two Sparrow terrace boxes mounted in appropriate locations along with a Swift box mounted in the eaves of the new building.*

HE endorse these and advise that are included as an informative (or Condition if considered appropriate) to any planning approval.

On this basis HE consider the LPA can determine the application have taken sufficient account of the potential for bats.

Hertfordshire County Council: Historic Environment

Comments awaited.

Hertfordshire County Council : Lead Flood Authority

Following a review of the surface water drainage assessment carried out by Hydrock reference R/C161599/002.03 dated December 2016, the LFA can confirm LFA have no objection on

flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

The proposed drainage strategy is based upon infiltration and infiltration tests have been carried out to ensure the feasibility of the proposed scheme. The LFA note that 40% for climate change allowance has been applied to the drainage strategy which includes the use of permeable paving, rainwater harvesting tanks and soakaways.

The LFA therefore recommend the following conditions should planning permission be granted.

- LFA position

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Hydrock reference R/C161599/002.03 dated December 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. Undertake the drainage to include permeable paving, attenuation tank and soakaway as indicated on drawing 'Proposed Layout Plan' drawing reference Dwg KIN-HYD-XX-XX-DR-D-5001.
3. Implement appropriate drainage strategy based on infiltration.

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. *Reasons: 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*

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.

Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

Detailed surface water run-off and volume calculations to ensure that the site has the capacity to accommodate all rainfall events up to 1:100 year plus climate change.

Any areas of informal flooding should the system flood above the 1 in 30 year event.

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/>

Historic England

- First Response

On the basis of the information available to date, HE do not wish to offer any comments. HE suggest that the LPA seeks the views of its specialist conservation and archaeological advisers, as relevant.

It is not necessary for the HE to be consulted on this application again, unless there are material changes to the proposals. However, if the LPA would like detailed HE advice the LPA is request to explain this.

- Second Response

As above.

Thames Water

- Waste
- *Surface Water Drainage*

It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. 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.*

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water.

Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

It is recommended that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

It is recommended that there is the installation of a properly maintained fat trap on all catering establishments, further recommending, in line with best practice for the disposal of fats, oils and grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

- Water Supply

This is under the jurisdiction of the area covered by the Affinity Water Company.

Affinity Water

Planning applications are referred to AW is where AW's input on issues relating to water quality or quantity may be required.

The site is located within the groundwater Source Protection Zone (SPZ) corresponding to Hunton Bridge 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 carried out 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 it is recommended that there is reference to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

National Health Service: Clinical Commissioning Group

Comments awaited.

Response to Neighbour Notification/ Publicity

- 1 Langley Hill Close

I am writing to state our strong objection to the proposed new application of a care home for the elderly and a new GP surgery

The reasons for our objection are as follows:

■ Parking

Though the developer has increased parking from the original application there is still an inadequacy of parking for such a large development. The Developer still wants to offset this by referencing the public parking opposite the development, therefore making out that this would help offset the lack of parking on site. This is absolutely not true. The public car park is full every day of the week already and the parking situation on Langley Hill, High Street & York

Close is already proving a real issue for residents of Kings Langley. Langley Hill Close is a private road but we already have issues with people parking on this road and ignoring the no parking signs because they think they can't park anywhere else. This situation will only get worse. Moreover, the local businesses will suffer from customers not being able to park so will instead go to supermarkets or retail parks instead. Parking is a huge issue in Kings Langley as local media reports have widely published recently and real concerns have been raised multiple times by Kings Langley Parish Council and the local business community.

The 29 car parking spaces have been allocated as 16 for the care home and 11 for the doctors' surgery with 2 disabled spaces (1 for each facility). It is also important to highlight that 4 of these car parking spaces are double spaces meaning that likely they won't be used frequently as no-one is going to want to get blocked in. For the care home there needs to be an allocation of 0.25 spaces per bed as well as provision for staff parking. With 61 bedrooms that means there needs to be 15.25 spaces excluding staff parking. As the LPA is the writer spoke to the Chief Executive of B&M Care Homes during a site visit and he stated there would be a maximum of 20 staff on during any one shift. This number seems very conservative and it is questioned what checks the Council will make to ensure this isn't a number just used to lowball the staffing levels to try and get planning permission and then disregard this number if it came to actually needing to staff the development. The Chief Executive stated during our conversation that he would expect about 70% of staff to drive and therefore need parking and again this seems low but even based on that assumption there will need to be 14 car parking spaces (0.7x20) for staff. That means if you took all of the parking spaces and allocated them to the nursing home that they still wouldn't quite have enough parking provision.

The GP surgeries require 3 spaces per consulting room + 1 space per employee other than doctors.

GP surgery: 4 consulting rooms (not 3 as stated in the application as a nurses treating room must be counted in the same way as a consulting room) = 12 spaces (+ an allowance for an undefined level of staff)

Therefore there is a parking requirement of 42 spaces not taking into account the allowance for an undefined level of staff who aren't doctors (e.g. reception staff, cleaners etc) and this is even before any provision for patients visiting the enlarged doctor's surgery where they are planning to offer more services and want to expand their patient list!

It is appreciated that the figures quoted are maximum standards and the village centre location is one that would allow some reduction below these figures, however, in this case the provision proposed is vastly below the policy requirement and the justification given to support this is extremely limited and erroneous.

■ Over development cramped for area.

The built form is intense for the site and there is limited garden space afforded for the site, resulting in a cramped development and poor facilities for residents. Policy CS12 highlights a number of key factors that this proposed development does not adhere to. Firstly, integrating with the existing streetscene character. The proposed extension is on Langley Hill and outlooks Langley Hill Close. These are residential areas and demolishing a bungalow and replacing it with such a large scale commercial development conflicts with the existing residential streetscene. Moreover, the existing bungalow and small front and rear space is being hugely overdeveloped by putting in its place such a significant building. The whole site is just bricks and mortar, leveraging every available piece of space to ensure as many people can be crammed into the development to maximise the profit of the enterprise. Moreover, there is a restrictive covenant on the land that 1 Langley Hill is built upon which states that the land can only be used for a single residential dwelling. This further emphasises how out of place this proposed development is in the local environment. The site of 1 Langley Hill is also in the conservation area.

- Visual intrusion & loss of light

The new proposed development has been set back from Langley Hill further than the original application, bringing it directly parallel the our house (1 Langley Hill Close). When we walk out of our front door, look through our lounge window or upstairs bedroom we see a fence and open space with views of the trees and high street beyond as that is currently the garden of 1 Langley Hill. With the proposed development that would be replaced by a large overbearing building which is very intrusive and will also lead to a loss of light in our living room such is the scale of the new proposed development.

- 7 Langley Hill Close

Please Note: The objections are very extensive. Due to IT problems in referring to these will be summarised in the Addendum or circulated separately.

- 47 High Street

Kings Langley currently has two similar facilities on, or close to, the High Street.

When the development of this site was first suggested it was felt, by a number of residents, that a opportunity existed for a modest range of retail units with flats above such as might afford a first step on the property ladder for younger people. Additionally, it is currently virtually impossible to buy even a light bulb in Kings Langley High Street. With no banking facilities and no breadth of retail outlets there is very little reason for non-residents to visit Kings Langley. There are certainly no public conveniences attesting to what appears to be a Village in abject decline.

I really feel that a wonderful opportunity has been missed as a result of selecting a “highest bidder” approach rather than a more positive signal for a vibrant and growing community.

- Thornhill House : Building Marketing Ltd

There is insufficient parking for this new structure. Whilst not all residents may drive themselves all support staff, and ancillary services will require space. When deliveries from larger vehicles occurs there is plainly little space for turning and traffic management will be adversely affected to a great extent. The existing parking availability, even the closest car park, is full every day with shoppers and retail shop staff - there is no space here for any further cars to be parked. The height of the new application is not in keeping with the height of other buildings in this small Village. A recent Village survey amongst all retail stores on the High ST highlighted that parking is the #1 issue that is likely to affect the future of their businesses.

- 2 Langley Hill Close

We object to the plans on the grounds of inappropriate and over-development of the site. Parking is a major problem in Kings Langley and this development will aggravate that problem.

The site is on the junction of two major traffic flow routes and traffic will be adversely affected.

Further parking space will be required when the vacated surgery building is re-occupied or redeveloped.

The developers point out that there has been a doctor's practice in this are for over 240 years, but only offer the NHS a 15 rental lease.

No. 1 Langley Hill will require two changes of use from C3 dwelling house to C2 residential institution and D1 - non residential institution, but carries a restrictive covenant which states that the land can only be used for a domestic residence.

The development will completely overwhelm the area with resulting loss of business and character.

- 4 Langley Hill Close

We believe that the overall continued planning application represents a concerning over development of a small domestic site. With all the consequential ramifications effecting it including public amenities. i.e. Doctors surgery and parking issues which will also have a detrimental effect to traffic flow on all routes in and around the High Street and therefore a negative impact on our local businesses.

- 5 Langley Hill

The proposed extension would double the size of the already agreed care home, which in itself is already over large for the character of this location in an area of listed buildings. This would make it dramatically out of character with the residential area of Langley Hill, being a building stretching onto the site of 1 Langley Hill, which has a covenant for it to remain as a private domestic dwelling.

Increase in parking demand would inevitably cause heavier use to parking on both Langley Hill and adjacent nearby roads and closes.

If the current plan were to be accepted it would overlook a number of my bedrooms and ground floor reception rooms and kitchen as well as my neighbours gardens and properties in Langley Hill Close. In some cases blocking sunlight from their gardens and living areas.

The inevitable dramatic increase in demand for additional parking and increase of service vehicle use would also result in increased congestion on this difficult junction, being so close to the intersection with the High Street which has both school buses and other buses in addition to being a busy route.

The plans for two tier parking provision on the front of the site of 1 Langley Hill is also totally out of character of this residential setting.

The existing wall of lime and mortar, which is listed, would be undermined should building excavations be implemented at such a close proximity and depth, if current plans would be accepted.

- 27 Langley Hill

We would like to object to the above proposed development, which is now for a 61 bedroom care home plus a new doctors surgery, (as opposed to the original application for a 36 bedroom care home, in May 2014) situated at 32 High Street(which has current planning permission but as yet has only been constructed at a lower ground floor level) and no 1 Langley Hill, on the basis that the proposed surgery and additional proposed 25 bedrooms ,for the care home, are a gross overdevelopment in a residential road, of a site (1, Langley Hill, Kings Langley) currently consisting of a 3/4 bedroom chalet bungalow with a small garden to the rear.

In addition to gross overdevelopment, we feel there is still a huge lack of parking provision in this amended application, both on and off site, for the required staffing of a 61 bedroom care home and doctors surgery .The amended plan, which suggests 2 storey parking at the front of 1, Langley Hill is an extraordinary suggestion as this is completely out of context in this residential area of family houses.

The existing Haverfield surgery, opposite, employs 10 staff and wish to employ a further 2 GP's.

In addition they wish to offer additional services and bring in hospital consultants for outpatient clinics/consultant appointments as well as having a community midwife. This adds up to approx 15 staff working in the daytime at the proposed surgery. (No mention has been made of parking provision for the physiotherapy centre, also in Haverfield House, who currently employ a further 14 staff).The Haverfield Surgery have said they wish to expand their number of patients as well as the above additional services. The proposed development offers insufficient parking spaces for the above staff. A proposal for 2 storey parking in the front garden of this surgery is unacceptable.

The proposed care home developers, in their operators statement dated 22 December 2016 stated that they wish to employ 77 new staff, 38 of whom will work on the 8am to 2pm roster, 27.5 staff from 2pm to 8pm and 12 staff overnight from 8pm to 8am. This adds up to 65 daytime staff working at the proposed surgery and care home! We do not believe that the care home or doctors surgery or local roads can possibly cope with this huge need for parking. The DBC car park situated opposite the proposed development is always full, from before 9am and parking spills out onto both sides of Langley Hill causing a real traffic hazard and lorries and coaches are unable to get up Langley Hill. The High Street offers little parking as the popular coffee shops and boutiques have increased the number of parked cars on the street. There are a number of residential properties on the High St that have no parking, so residents use this car park, along with numerous businesses with staff who need to park locally at different times of the day. Even The Nap Surgery in Kings Langley village, (a large, existing doctors practice, situated a short walk away from the proposed care home) has difficulty finding enough spaces for their own patients and staff, despite there being another DBC car park adjacent. The recent approval by DBC, of the conversion of 44 High St, Kings Langley, to provide 4 flats and 2 semi detached properties (4/00657/10/FUL) is going to cause more strain on the DBC Langley Hill car park, as local estate agents are marketing the properties as having a rear access gate from their communal gardens to this car park for parking!

Langley Hill is the main vehicular access road for parents and pupils to the 3 large Kings Langley Schools on the west side of the village, as well as the main route for school coaches and buses to the following secondary schools: St Clement Danes School, Parmiters School, The Rudolph Steiner School in Langley Hill, and Kings Langley Secondary School in Love Lane at the top of Langley Hill. Langley Hill is also the main vehicular access to and from other local villages and it provides a link for these villages to the M25 at the end of the village. Not only is Langley Hill an extremely busy road for school and commuter traffic, particularly between 8-9am and 3.15 to 4.15pm, but the potential increase of even more street parking, if the above extension and surgery was approved, would cause a major hazard to coaches, buses, lorries and emergency services, being unable to get up Langley Hill. Once there is parking on even one side of this road, there is only room for cars to travel in one direction, due to the width of the road.

Additionally, it would be very dangerous for surgery patients on foot, especially for the elderly and those with children (there are currently 3,500 patients on the Haverfield surgery register!),as well as visitors and residents of the care home, to cross Langley Hill, from the DBC car park to the proposed new surgery and care home.

The amended new plans fronting the High Street are of an increased height to the former plans. The buildings opposite are 2 storey 16th century cottages and will be overpowered by this proposed 4 storey block .The development is described as a 2.5 storey development but the plans show a huge pitched roof building with dormers ,plus basement facilities(now with some bedrooms) , which actually consist of 4 storeys in total. There will be a loss of sunlight and light to the High Street properties. In the amended plans, we have observed that the plans now show that 2 bedrooms will be sited in the basement ! Despite there being lightwells, they will be sited underground and we feel that they do not provide acceptable living accommodation.

This application for a new doctors surgery,36 bedroom care home and now a further 25

bedroom care home extension does not provide sufficient, safe and convenient parking ensuring highway safety, as required (Policy CS8). There is insufficient parking for the above care home staff, plus cars of visitors and deliveries etc to the proposed care home as well as the cars belonging to the proposed staff of the new surgery, together with visiting patients and consultants cars. We therefore object most strongly, to this proposed, grossly extended development and the proposed adjacent doctors surgery, in this particular location, for all the above reasons.

Considerations

The key issues are:

- Principle.
- Design/Layout.
- Residential Amenity.
- Highway Safety, Access, Traffic and Parking Implications.

Policy and Principle

This is with reference to the appropriateness of additional residential care development and a new surgery at the site, the loss of a family dwelling and the vitality and viability of Kings Langley Local Centre.

The site is located within Kings Langley which is a defined Large Village. Dacorum Core Strategy Policy CS1 (Distribution of development) expects that the Borough's Large Villages will accommodate new development for housing, employment and other uses. This is provided that it:

- a) is of a scale commensurate with the size of the settlement and the range of local services and facilities;
- b) helps maintain the vitality and viability of the settlement and the surrounding countryside and,
- c) causes no damage to the existing character of the settlement or its adjoining countryside.

Nos. 32 and 34 High Street are also with Kings Langley Local Centre. Under Policy CS4 (Towns and Villages) a mix of uses are acceptable in the Borough's Large Villages. These include shopping, compatible leisure, business, residential and social and community uses. It is expected that retail, business and residential uses will be controlled to enable a broad range of uses to be maintained/ achieved.

In meeting Community Needs Dacorum Core Strategy Para 15.14 (Health) explains that the Council has established a need for suitable practice buildings and delivering new practices near to areas of housing growth. This is set against Para. 15.1's explanation of the importance of the well being of Dacorum's communities which is dependent upon the provision of 'the appropriate social infrastructure'. Figure 14 defines this, including primary and secondary care. In this context the provision of the surgery will accord with Dacorum Core Strategy Policy C23 (Social Infrastructure) which encourages services and facilities to the community in locations to aid accessibility with support for dual use purposes. The proposal accords with the NPPF Core Principle 12 which is to 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

Part 14 of Dacorum Core Strategy addresses Providing Homes with Large Villages (such as Kings Langley) meeting their own their owned locally generated needs and brownfield sites performing a key role. In terms of housing mix Para 14.25 explains that with an ageing

population special attention must be given to the needs of the elderly, with an emphasis upon enabling the elderly to remain in their own homes for as long as possible.

Dacorum Core Strategy Policy CBS 17 (New Housing) expects existing housing to be normally retained. Saved DBLP Policy 15 addresses the retention of existing housing with loss of dwellings being not normally permitted subject to certain criteria. In this location exceptions include :

- within defined residential areas where small scale social, community or leisure facilities would be provided and,
- where overriding planning advantages would result.

The applicant states that the proposal will assist with meeting an identified need for residential care in the area.

The provision of new residential care development at the site accords with Dacorum Core Strategy CS1 on this brownfield Village site. It will positively consolidate the provision of elderly care facilities at the site of no. 32 by providing an alternative to the approved scheme with due regard to saved DBLP Policy 71 (Community Care) :

“development of community care facilities for the handicapped and elderly will be encouraged in residential areas provided: (a) schemes incorporate adequate space for necessary ancillary services, amenity and visitor car parking; and (b) there is no over-concentration of community care facilities.”

Also the 'fallback position' is that there is an extant permission for a new care home at the site of the former Post Office Delivery/ Sorting Office.

The loss of the single family dwelling house is balanced against the following:

- The provision of a significant number of additional elderly care rooms in a modern purpose built facility in contrast to an adapted/ converted or extended building.
- The establishment of a similarly modern fully inclusive new doctors surgery.
- The potential for the existing doctors surgery to be converted to residential, with one or more units, compensating for the loss of no. 1, notwithstanding that it is not within the specific remit of the application.

It is concluded that in principle - despite the loss of the single dwelling - there will as a result of the development be overriding planning advantages under criteria (d) of saved DBLP Policy 15. This will be due to the provision of the modern community surgery which outweigh this harm and moreover reinforced by the other housing stock benefits of the provision of the proposed additional elderly persons accommodation.

The proposed surgery relocation so close to the existing doctors surgery will benefit existing patients and serve new patients, including the proposed care home. The shared benefits of two coexisting inclusive complimentary uses within 'a sustainable community hub' are the availability of medical services for the care home with emergency vehicle turning facilities and key operational parking with full access for persons with disabilities/ limited mobility.

It is acknowledged through Refusal 4/00759/16/FUL the Development Control Committee endorsed the ongoing very significant local concern regarding the documented negative impact that the development will have upon the vitality and viability of the Local Village Centre resulting from the loss of key parking in the adjoining car park due to increased demand by users of the application site which is addressed below under Highway Issues.

However, with due regard to the Strategic Planning Team's specialist assessment, there is no evidence available to the Council to substantiate that the development would have a negative effect upon the local centre's future. Such a new development can encourage linked trips by users of the surgery and employees of both developments.

Impact upon the Setting of adjoining Listed Buildings/Design /Layout/Character and Appearance of the Conservation Area

This is with due regard to Dacorum Core Strategy Policies CS 1, CS 10, CS11 CS12, CS13 and CBS 27, saved DBLP Policies 119 and 120 and its relevant Appendices and the NPPF's approach to heritage/design, as expressed through Historic England's response. NPPF Paragraph 134 notes:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

The previously approved extant care home scheme is regarded as a very high quality development in replacing the very brutal utilitarian former and now demolished Post Office Sorting Office in such a key part of the core of the Conservation Area/ village centre. There is the associated benefit from the associated Tree Preservation Order which safeguards very valuable frontage of trees within the local street scene of the Conservation Area. As documented the TPO was in response to the 2012 application.

The current scheme's care home design and layout places considerable weight and reference to the approach established through the approved 2012 scheme by 'fine tuning' its form. This component will make a valuable contribution to the character and appearance of the Conservation Area and be compatible with the setting of the adjoining Grade 2* listed Red House. It is of high design quality, will maintain the role of the preserved trees and enhance the quasi derelict frontage/ gap left by the demolition of the former Post Office building which in itself totally failed to respect the heritage value of the High Street. This part of the development represents a major opportunity to upgrade a key part of the street scene with 'visual connectivity' achieved between the building and its street frontage through its design incorporating a frontage wall and railings and main entrance with the necessary inbuilt defensible space.

Refusal 4/00759/16/FUL represented a very substantial enlargement of the approved care home scheme by amalgamating the proposed enlarged care home with the new surgery. This development's significant scale resulted from the combination / agglomeration of the approved and proposed developments. Officers considered that Refusal 4/0075/16/FUL took advantage of the site levels in a positive way and with the development contained within the site's 'envelope'. The Report observed:

'The Revised Scheme in design terms will successfully 'visually fuse' with the approved Care Home scheme, moulded into to the site's topographical features and respecting the site's current physical relationship with the Langley Hill street scene and Langley Hill Close. The development will be visible from Langley Hill Close. The proposed building's form/ massing / profile whilst different to the existing will respect the context and relationship of the existing dwelling at no.1 with both the Langley Hill and Langley Hill Close street scene's. It will not be over assertive, but complimentary. Therefore subject to the changes recommended by the Conservation & Design Team addressed through recommended Condition 5, the Revised Scheme can make a positive change to the Langley Hill frontage with a neutral effect upon

Langley Hill Close .This will be facilitated by the pivotal role of the permanent retention of the boundary wall to Langley Hill Close.

For clarification it is important to confirm that in reviewing its original delayed informal advice, the Conservation Team has raised no objections. This has taken into account Historic England's response including its reference to 'any harm would seem likely to be limited' and in recommending some small changes under the aforementioned Condition 5. There are no adverse arboricultural implications.

It is fully acknowledged why there is local concern regarding the development's scale, however it is a substantial site which benefits from level changes, enabling the development to be successfully absorbed into its heritage setting'.

The current scheme's design to the rear of the High Street frontage in combination with the 'truncated ' surgery design has been subject to very meticulous consideration by the Conservation & Design Team and Trees & Woodlands Officer in dialogue with the Case Officer. This has been in response to the Applicant's/ Agent's objective of addressing the DCC 's objections to Refusal 4/00759/116/FUL with its fundamental focus upon providing off street parking in delivering the site's redevelopment.

In this context Officers have been unprepared to agree to the loss of the preserved Yew trees to accommodate more parking - as evidenced by the specialist response of the Trees & Woodlands Officer. In order to establish additional curtilage off street parking to serve the surgery there has been a significant resultant change to the design which as expressed by the Conservation & Design Team:

'CD believe that the previous design (ie 4/00759/16/FUL sic) sat more comfortably with the streetscape to Langley Hill but would not object to the revision to provide additional car parking. It is however essential that the wall is appropriately detailed as are the gates to ensure that this space does not detract from the Conservation Area with the introduction of a larger area of car parking'.

With the necessary 'heritage led revisions' to the current scheme to the High Street frontage and even more so with reference to the Langley Hill frontage, the modified scheme is acceptable as now observed by observed by the Conservation & Design Team:

'CD believe that the revised elevations have resolved our concerns noted previously. The proposed principle elevation to the High Street would now sit comfortably both as a building in its own right and with the character of the surrounding conservation area. It now better reflects the architectural details of the period architecture chosen for the building and therefore should blend in with the surrounding built environment. CD also note the proposed amendments to the gates and wall to Langley Hill. We believe that these now better reflect the character of the area and the proposed building. They now relate well to the architecture of the building and would show its significance and status within the conservation area. The reinstatement of the wall and the proposed gates would provide a suitable sense of enclosure. Therefore we believe that this elevation, boundary and streetscape has now been resolved and would be in keeping with the character of the conservation area'.

Despite the development's substantial scale there are no design objections.

Effect upon Residential Amenity and the Amenity of the Care Home Bedrooms

This is with due regard to the expectations of Dacorum Core Strategy Policies CS10 and CBS 32 and saved DBLP Appendix 3, reference to the physical impact, privacy/ overlooking, noise/ disturbance and the receipt of day and sunlight, the expectations of NPPF Paragraph 123 and the advice of the Environmental Health Team. As in the case of Application 4/00759/16/MFA there have been respective very strong representations received from nearby nos. 1 and 7 Langley Hill Close.

It has been fully taken into account that the significant redesign of the surgery element to specifically accommodate the parking has resulted in the noticeable increased massing of the surgery building to the rear when compared to 4/0759/16/MFA. This is acknowledged to be a resultant disbenefit, most affecting no. 1, but not to justify refusal or further modification:

No. 1 Langley Hill Close. Due to the level of separation of the development and taking into account the role of the front garden for amenity as expressed through the consideration of the previous application, there would not be a case to refuse the application based upon its impact. This takes into account all the issues referred to above, especially the physical impact, privacy, noise and disturbance.

No. 7 Langley Hill Close . As in the case of Application 4/00759/16/FUL based upon the 29m separation, levels, existing boundary treatment, the opportunity to provide additional acoustic fencing for the Care Home communal garden and glazing there would not be a case to refuse the application based upon the loss of privacy and noise/ disturbance. The level of separation is acceptable .Noise generated by the impact of the use needs to be considered against the previous potentially 24/7 commercial use at no. 32 and that the buildings will contain the impact of vehicular movements.

Other Dwellings. There would not be a case to refuse permission. As clarified as Langley Hill Close is private the public are unable to use this cul de sac for parking. Therefore noise/ disturbance resulting from the development's associated vehicular activity could not be substantiated.

Internal Layout: Residential Amenity : Relationship with the Retained Boundary Wall to Langley Hill Close

The retention of the wall abutting Langley Hill Close boundary wall has been an essential heritage expectation.

Unlike the previously submitted scheme the fundamental officer objections regarding the major amenity concerns regarding the effect of the retained wall in relation to the amenity of these rooms has been eliminated in the redesign now proposed. The original scheme fundamentally failed to comply with the layout expectations of saved Appendix 3 of the DBLP and one of the NPPF Core Principles under Para 17 which always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This scheme also created major overlooking of no. 1 Langley Hill Close.

With regard to the amenity the Agent/ Applicant emphasise these all satisfy the relevant standards clarifying that all bedrooms/ensuites, communal rooms and internal arrangements will meet with the Care Quality Commission's – Essential Standards of Quality and Safety (March 2010).

Highway Safety/ Access/ Emergency - Refuse- Service Access/Parking/ Traffic Generation/ Sustainable Location /Inclusive Access/ Access for Persons with Disabilities

With the exception of the changes to the parking the assessment of the range of issues in the assessment of the current scheme are very similar to Application 4/00759/16/MFA.

Highway Safety and the Main Access/ Traffic Generation. HCC Highways raise no objections to the use of the respective existing accesses originally designed to serve the former depot and no. 1 Langley Hill. This is with due regard to their previous / historic use, the previous permission for the care home, the traffic impact/ volume, location and design (width/ sight lines). This takes into account their closeness to each other and to the existing accesses at the car park, Langley Hill Close and the Langley Hill - High Street junction with due regard to the NPPF 's Paragraph 32 requirements regarding a transport statement / assessment and the form of the proposal.

The Shared Courtyard Access Road and Turning Area for Fire, Ambulances and Refuse. The access is acceptable to HCC Highways and Hertfordshire Fire & Rescue Service. Although the Refuse Controller has been unable to respond the access is workable for these purposes.

Access for Persons with Disabilities/ Inclusive Access/Persons with Limited Mobility. The layout / design will be compliant. The 2 disabled spaces will enable drivers to bring patients / residents close to the buildings by vehicle with the surgery entrance next to both spaces. This is an important community benefit representing a significant improvement to the current surgery. The layout also provides for ambulances unlike no. 34.

Sustainable Location. The site's central village location is very sustainable. It is close to some residential parts of Kings Langley, accessible by foot or cycle, with a bus stop outside no. 32. There are very regular bus services along the key 501 along the Aylesbury- Watford A41 spine corridor with excellent links to the wider bus network in both directions, accessing the surgery's existing catchment area. On this basis employees of both the surgery and care home are able to access the site by alternatives to cars with shift patterns coinciding with bus frequency. Similarly the surgery's able bodied patients and visitors to the care home can access this way. The Care Home is provided with cycle storage. HCC Highways recommended imposition of a Green Transport Plan is an important prerequisite.

It is was also previously clarified under 4/0759/16/MFA by B & M Management that:

- In B & M's experience staff at its Care Homes do tend to be primarily from the local community and will walk to work if the distance is reasonable – so this is a realistic expectation for this proposal. Generally B & M staff group avoid any lengthy commutes and prefer a short travel distance/time to work.
- Staff shift patterns are morning shifts starting 7-8 am, afternoon shift changeover at 2pm and evening/night shifts start 7-8pm – thus avoiding the peak traffic rush hour times.
- Each B&M Care Home is provided with a Pool Car and this enables a 'Car Sharing' with a 'Guaranteed Ride Home' Scheme to be feasible, workable and economically attractive to staff.
- Travel and parking management and co-ordination can be achieved by making this part of the job responsibilities of say the Deputy Care Home Manager and the Surgery Practice Manager to liaise regularly as 'travel plan co-ordinators' to ensure efficiencies are achieved and potentially problematic situations avoided, this is also a requirement of the Travel Plan.
- The use of cycles by staff does happen with reasonable regularity across our group of homes where travel distances are reasonable and this is again a realistic expectation of this location. Facilities to support cycle use will be incorporated.

Parking Provision: The Numbers. There will be 29 off site parking spaces. These will comprise of 9 surface spaces at 1 Langley Hill, 8 in the undercroft area and 12 spaces within the inner courtyard. The care home will be served by 17 parking spaces (1 disabled) and surgery will

provide 12 spaces (1 disabled).

Care Home. The provision of 17 parking spaces accords with the requirements with saved DBLP Appendix 5 which requires the provision of 0.25 spaces per resident bedspace with no resident staff, providing 1 extra space.

Surgery. The 12 spaces accords with the previous assessment where Report 4/00759/16/MFA noted amongst a range of matters that:

'As confirmed there are 3 GP consulting rooms and 1 nurses procedure room are proposed at the surgery. Under the aforementioned adopted maximum parking standards surgeries require 3 spaces per consulting room and 1 space for other non doctors staff employees. On this basis and the staffing at the current surgery (taking into account the number of part time staff) it has been assessed that during the day time 16 on site spaces are required under the maximum standard. This can be reduced to 12 spaces as this commercial use is located in Kings Langley Parking Accessibility Zone 4 which allows for the provision of between 75 and 100% provision of this maximum standard. As the cleaners will be visiting the site in the evening their parking requirements have been excluded from the calculation'.

The Report also noted :

'Despite the significant day time on site shortfall of 8 spaces in relation to the maximum standards it should be reasonably taken into account that :

- there is no parking at no.34 with inadequate disabled access ,
- two of the spaces at the care home can be available for the surgery as referred to by recommended Condition 12,
- the benefits of a Green Transport Plan as recommended by HCC Highways in accordance with NPPF Para 36,
- the sustainable location,
- according to the Agent the proposed Surgery in terms of floor area would appear similar or possibly smaller but with much more efficient use of space, allowing the practice to add one additional GP in the future if the needs of the Town require it, without the need to relocate,
- the proposal provides the benefits of a modern inclusive facility which cannot be provided at no. 34. In this respect the CQC Report for the existing surgery observed that to '... operate (sic) from a listed building, the structure and layout of the building presented many challenges including space limitations and little scope for extensions or structural alterations',
- B & M Management confirm those visiting the surgery will rely on the public car park as at present. This car park was donated to Kings Langley to be used as a free car park in perpetuity by Dr Doris Brown from Haverfield Surgery in 1968, and
- Conflicts between Surgery and Care Home Visits. The Care Home Visits by friends , families and volunteers tend to be off peak daytime on weekdays plus early evenings and at weekends ; all what would be termed 'off peak' times.

In the context of all the above factors it is questionable whether there would be a very robust reason to refuse the application based upon this shortfall the overriding evident public community benefits arising from the development. Moreover, if the additional parking is provided this would reduce the capacity of the site for the surgery and/ or care home which are aimed to benefit this inclusive community orientated development'.

Parking Survey. A parking and traffic survey was carried out by the Applicant's Highway Consultant on Tuesday 8 November 2016, specifically avoiding holidays and half-terms on behalf of the Applicant. A summary is at Annex B.

The survey measured the following:

- Off-street parking demand / accumulation at the Langley Hill and the Nap.
- Public Car Parks.
- On-street parking surveys along Langley Hill, York Close, Archer Close, the High Street, The Nap and Fisher Close.

The Report notes a range of findings including:

- The survey demonstrates that throughout the survey period there were consistently 8 or more on-street parking spaces available along High Street and 10 on-street parking spaces available along Langley Hill between Langley Hill Close and Archer Close which are located within 200-metre from the site.
- In total there are many available and unused parking spaces along nearby streets with Fisher-, Archer- and York Close having spare capacity of 50% or more.
- The survey data shows that both car parks have spare capacity early morning and from midday onwards to accommodate any additional traffic generated as a result of the relocation of the GP's surgery. For the time period of 09:00 to 12:30 when both car parks are fully utilised, the nearby streets offer more than sufficient on-street parking spaces as discussed above.
- The proposed development will provide 29 off-street parking spaces. It is not expected that any spill over will occur on nearby streets and within the car parks. However, the analysis shows that there is sufficient off-street parking in the car parks or on-street along nearby streets where parking already takes place.

The Agent also clarifies that typically in respect of B&M care homes a significant number of staff tend to walk to work.

Other Issues

There has been no need for an Environmental Impact Assessment for this application.

With due regard to the policies material to the application, site/ area characteristics and the responses from the technical consultees there are no objections relating to the following with recommended conditions where relevant/ necessary:

- Arboricultural Implications.
- Ecological implications/ Biodiversity.
- Drainage.
- Contamination.
- Archaeological Implications.
- Crime prevention/ security.
- Sustainable Construction.
- Light Pollution.
- Drainage.

Conditions and Informatives

If the DCC supports the application a range of conditions are necessary, as recommend below. The LPA is unaware of any fundamental land stability/ geological issues to preclude the

carrying out of the development, recommending an informative with reference to the NPPF Paragraph 120. The height of the development has not necessitated specialist air navigation advice.

Community Infrastructure Levy

Kings Langley is within Zone 2 for the CIL . Retirement Housing (C2) and GP Surgeries (D1) are not liable to this CIL charge.

Future Uses of the Development

If granted the Care Home has the following lawful uses under the Use Classes Order:

C2 Residential Institutions	Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes	Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)
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If granted the Surgery benefits from the following:

D1 Non-residential Institutions	Clinics, health centres, creches, day nurseries, schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	Temporary permitted change (2 years) to A1, A2, A3, B1 (interchangeable with notification)
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Conclusion

It is fully acknowledged that there is again significant local opposition to the development by the Parish Council and the local community . This is set against:

- Delivering additional housing and social infrastructure is pivotal to national and local policies, and
- The detailed assessment of the proposal.

The conclusions for Application 4/00759/16/MFA noted:

- There are well documented local objections including the development's scale. For design/ residential amenity reasons reducing the development's scale cannot be substantiated. It also has to be taken into account that the site's original post office building was very utilitarian in appearance and potentially an environmentally sensitive use. In contrast the current proposal's the servicing area will be enclosed by buildings of much higher design quality.
- The new surgery will assist the Core Strategy's Delivering the Vision for Kings Langley

Place Strategy by reinforcing the Village Centre service role. The proposed relocated Doctors Surgery will provide the local community with an inclusive safe high quality purpose built modern facility overcoming the current practice's documented operational problems, especially access for persons with disabilities and limited mobility and served by some curtilage parking. The Care Home will benefit from the closeness of the surgery and consolidate the provision of specialist elderly persons at the site.

- In any decision there is need to carefully balance all the material considerations. As documented there are very strong Parish Council and local objections regarding the parking implications. The Care Home accords with the parking standards. It is fully acknowledged that the Surgery features a significant shortfall of parking. The fundamental question is whether there is an overriding requirement to meet the on site shortfall in such an excellent sustainable location and so close to the existing surgery which does not benefit from the parking now proposed for this wholly inclusive modern community facility. There is no robust evidence available to confirm that the development's parking demands will irrevocably harm the maintenance of the Local Centre's vitality and viability.
- In pragmatically considering the proposals and in contrast to the local objections, it is concluded that the overall community / social infrastructure benefits resulting from the provision of a modern new surgery and care home should be given more weight than the disbenefits resulting from the rigid adherence to the implications arising from the shortfall off on site parking. This also takes into account that Hertfordshire County Council Highways raises no highway objections.
- With the very recent resolution of the outstanding drainage issue there is now a case to recommend the grant of permission.

The current proposal is designed to provide specialist accommodation and cutting edge surgery facilities in the centre of Kings Langley in a most sustainable location and way with significant community benefits for now and the future.

The approved care home development at no. 32 High Street is materially different to the proposal due to design and layout changes and the amalgamation with the land at no. 1 Langley Hill to facilitate the combined provision of a care home and new surgery. In the assessment of the current application substantial weight should however be given to the 'stand alone' extant permission for the care home as most robust 'fall back' material consideration.

In accordance with established practice the current application should be considered upon its individual merits but with the background reference to the previous refusal. Notwithstanding this refusal it is of fundamental importance to confirm that there were no design or arboricultural objections to Application 4/00759/16/MFA as expressed through the respective specialist technical responses. This is especially the Conservation & Design Team, Trees & Woodlands Officer and Historic England. Such expert input was also very significant when the LPA considered the 2012 stand alone care home application, with design changes and an 'emergency Tree Preservation Order,' reflecting the site's importance, the high priority to design and its green setting, the value of the trees within the High Street Conservation Area and a holistic approach.

In the consideration of the current application the provision of additional curtilage parking to serve the surgery has dominated the Applicant's 'design re - think' in addressing the recent refusal and its commitment to redevelop the site for the proposed purposes. This has been very testing to the Conservation Team, Trees & Woodlands Officer as both supported the refused scheme with the emphasis upon high quality design.

The current proposal accommodates a significant amount of development at this brownfield site and it is materially different in 'non parking terms' to the refused scheme. As observed by the

Conservation Team the refused scheme was very positive in its design and the pivotal focus upon achieving additional on site parking has ' changed the design parameters'.To reiterate in reconciling parking expectations through Refusal 4/00759/16/MFA and design, including the relationship with no. Langley Hill Close, has not been straightforward.

However, based upon its individual merits, the site conditions - with specific regard to the levels and relationship with adjoining development - will facilitate the development's physical integration, including the retention of preserved trees. It is not a cramped form of development or overdevelopment and there no identified overriding outstanding design/layout/arboricultural objections. A raft of technical issues have been successfully addressed and are workable in accordance with expected practice.

Significantly unlike Refusal 4/00759/16/ FUL there is no shortfall of parking in a sustainable location. As before Hertfordshire County Council Highways raise no highway safety objection. Moreover, according the agent's survey the car park opposite the site has capacity.

There is no evidence available to the local planning authority that the development will harm the future viability or vitality of the Village Centre.

Whilst materially different from Refusal 4/00759/16/ MFA based upon its individual merits this sustainable dual aspect specialist housing and social infrastructure development - ***which will benefit so many in of the local community now and in the future*** - is capable of being physically accommodated at the site and integrated into the local environment. This is with due regard to the relevant policies, the site/ area conditions, the Agent's/ Applicant's extensive submitted documentation, the aforementioned lack of any objections from the specialist technical consultees, the evidence available and the imposition of appropriate conditions.

Moreover due to the inbuilt flexibility of the respective C2 and D1 uses the buildings will provide potential opportunities/ scope for adaptations to other alternative community based/ social infrastructure to serve the locality now and in the future reinforcing the objectives of sustainable development.

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

ANNEX A: THE OPERATORS STATEMENT (as per Application 4/00759/16/ MFA)

An Operators Statement by B&M Care has been prepared to explain the background to the company, their aspiration to create an extension to the Kings Langely care home, explanation and justification for the new GP Surgery and their long term commitment to the community.

The case is made within the operator statement and reads as follows:-

1. B&M Care are a local family owned business based in Hemel Hempstead of some forty years standing which develop and operate a Group of Residential Care Homes for the Elderly in the Home Counties.

2. The Company currently operate 22 Care Homes with approximately 1150 beds with a further 4 Homes currently under development. At present it has 14 Homes in Hertfordshire. B&M Care has over the years won numerous industry and civic awards for both the design of its homes and also for the care provided. The Company gained the Planning Permission on 11th January 2013 for a 36 bed Care Home for the site, replacing the old Post Office Sorting Office at 32 High Street, Kings Langley.

3. The Company was then approached in early 2015 by the Principals of the Haverfield

Surgery, which is based at 34 High Street, Kings Langley, adjacent to the site, with an enquiry as to whether the Company would consider leasing some of the ground floor space to incorporate a GP Surgery to be located on the same site. (Copy email request in Appendix)

4. Haverfield is a local GP Practice serving the local community with a list size of approximately 3,500 patients. Following discussions between the GP Senior Partner Dr Corina Ciobanu and the Practice Manager Chris Stanley of Haverfield Surgery, with the Directors of B&M Care, including Dr Colleen Wood, Director and Clinical Advisor to B&M Care; consideration was given to looking at the design needs and possible cooperation, subject to space requirements.

5. Later in 2015 the opportunity arose which gave the possibility of meeting this request when the bungalow at 1 Langley Hill came onto the market for sale and the decision was made by the Directors of B&M Care to purchase this property which opened up the possibility of meeting with the request, whilst also increasing the size of the proposed Home to enable the capital investment to be made by B&M Care Group to the new Surgery premises fit for purpose, on a leasehold basis to the Surgery enabled by the additional care home beds that would be possible on the site making the proposals economically viable.

6. Following a series of discussions and the process of working up design the Company is now happy to submit its proposals to the Council requesting the support of the Councillors and Officers for an extension to the already granted Care Home to create a 'mews' style town centre complex with a Care Home of now 62 beds and a Doctors Surgery, all as detailed as in this Operators Statement and Planning Application.

7. B&M Care has been aware of the potential of some of its Elderly Care Homes to be to some extent "Community Hubs" and one of the key aspects of that, along with the current crisis in providing GP care into Care Homes, is to incorporate doctor's surgeries within the curtilage of future elderly care homes constructed by the Company where possible. This makes it potentially much more easy and economical to provide GP services into care homes as it can be disproportionality expensive due to the high needs of elderly residents.

8. This combined with the present Haverfield Surgery being in a listed premises which is unfit for purpose by modern standards, give an opportunity for new premises with fully disabled access and the opportunity for the Surgery to expand its activities, expand its list and reach its other aspirations and ambitions to provide overall improved services and joint community benefits to the local community. This coincided with the Surgery's existing lease coming to an end.

9. We enclose in the Appendix a copy of an excerpt from the NHS England GP Premises Team Inspection Report of August 2015 which states that "whilst acknowledging that the Practice is taking reasonable measures to improve access to patients, the premises are not Equality Act 2010 compliant in most aspects". Particularly it mentions the main entrance which is via a steep sloped access which exceeds the recommended gradients, and the disabled access which has actually been created by a side entrance with a portable ramp, no automatic door and a narrow width door of 80cm.

10. The proposed new premises would be fully Equality Act 2010 compliant, with automatic doors of the required width, split level reception desk, male and female disabled access WC's for patients, with emergency pull cords etc. as required, facilities for mobility scooters to access the premises and park and all facilities on a single storey at ground floor level.

11. Discussions have also taken place with agreement in principle to a proposal also to put a community defibrillator on the walls of the Care Home / Surgery Practice for twenty-four hour use to the benefit of the community.

12. There has been a history of a 'Doctors Surgery' going back to 1747 in this position on Kings

Langley High Street, contained in the house known as 'Haverfield'. An excerpt from Kings Langley Archivists Group shows the on-going presence of a Surgeon or General Practitioner or Apothecary or similar, virtually consistently in Haverfield since the mid 1700's through to the present day. A copy of this is also contained in the Appendix.

13. Further, in particular, Dr Doris Brown ran a Surgery in the house from 1958 until her death in 1968 and it is stated that when Dr Doris Brown died in 1968 most of the grounds of the rear of Haverfield was given to the Council for car parking space, which provides in the region 55 spaces in the existing car park, free of charge and the entrance to this car park is directly opposite the entrance of this mews style, town centre proposed complex.

14. We enclose also in the Appendix also two letters written to the Council by Haverfield Surgery Principals and the Kings Langley Physiotherapy Principals regarding the car parking situation and the request of Dr Brown to the community of the car park to the rear of Haverfield Surgery which the town still benefits from.

15. All aspects to do with Highways, car parking, accessibility etc. are dealt with in the Design and Access Statement provide elsewhere in the planning submission.

16. These proposals would enable the Practice to continue the long standing tradition of having a Surgery centrally in the High Street of the town, despite not being able to continue and meet current statutory requirements in the Listed Building known as 'Haverfield'. The surgery would remain in a location immediately adjacent to where it has been for the most part of some 250 years.

17. The aspirations of the Surgery include the ability to expand their patient list and to provide additional services which will be required with the possible growth and demands of the local community.

18. It would enable the Surgery to employ a further Partner GP, be a qualified GP Trainer and become an accredited training practice helping to meet locally the NHS work force challenges of shortage of GPs and Practice Nurses and their 'on the job' training, supporting long term continuity of services.

19. Further the Practice would be able to offer additional services on the premises such as the expansion of current minor surgery services, expansion of maternity and family planning services, vaccine clinics etc., all to take place within the community rather than patients from Kings Langley having to travel elsewhere for these services.

20. The Practice would be able to bring in hospital consultants to offer out-patient consultations and clinics to all of the local community and not just the practice list without the need to travel to local hospitals.

21. Other clinics which are currently based in Hemel Hempstead or other hospitals can be brought into the community within the new facilities. This is moving services currently provided in the Acute Sector into the community where appropriate.

22. Part of the community respiratory services can be hosted on the High Street at the new facilities.

23. All of these measures are in the interests in the sustainable operations of communities, reducing travel and increasing accessibility to all members of the local community, particularly the most vulnerable who need care.

24. Consultations are being/will be held with local councillors and the representatives of the patient participation group connected with the Haverfield Surgery seeking to gain their support.

25. The provision within the proposed new Surgery would provide 3 GP consulting rooms, plus a Practice Nurse's Procedures Room, offering vaccine clinics etc., a meeting/ library/sessions room, administration offices, records storage with requisite reception waiting areas, public disabled wcs, staff toilets and kitchen facilities etc. Three car park spaces would be provided separate to the Care Home car park for staff members working at the premises.

26. The current proposal is to grant the Surgery an initial 15 year lease of the premises. The Surgery is currently led by Doctor Corina Ciobanu, who has been with the practice since 2004. Dr Ciobanu is the Senior GP partner at the Surgery and is Chair of Dacorum's GP Committee.

27. The additional provision that the proposals will provide for the proposed Care Home will allow it to provide a dedicated Dementia Care wing of 17 beds and dedicated low level dementia care beds as well as residential care beds. It will now also be able to provide a with a 'dementia garden' and the Home will benefit from the equivalent of two 'ground floors' due to the rising level / slope of the site from Kings Langley High Street up to Langley Crescent. This will allow the Home to provide three levels of care, meeting residential, low level dementia and higher level dementia needs of the elderly residents of the local community.

28. This model works well in many other of the Company's Care Homes and recognises the need throughout Hertfordshire for higher needs Dementia care. All residents will benefit from the presence of the Surgery adjacent and also from the many facilities provided within the proposed Care Home in the lower ground floor area such as Spa, Gymnasium, Chapel, Cinema, Hairdresser and Treatment Rooms etc.

29. Both B&M Care and Haverfield Surgery being local companies with a long term presence in their communities are approaching this project cooperatively with a long term commitment to the community of Kings Langley and would respectively request the support of the Councillors and Officers of Dacorum Borough Council for these proposals.

ANNEX B : THE CONSULTANTS TRANSPORT STATEMENT: IMPACT ASSESSMENT OF THE PARKING IMPLICATIONS: SUMMARY

A traffic count survey was carried out on Tuesday 8 November 2016 between 07:00 and 19:00 at the junction of Langley Hill and High Street. The network peak was established as 08:00–09:00 for the AM peak and 15:00–16:00 for the PM peak; and the trip rates within these peaks were used within this assessment.

The assessment established the anticipated vehicular trip generation of the application site, whilst also accessing the parking capacity along nearby streets and two off street car park locations.

Background

The Application Site benefits from the extant care home planning permission. This represents 4 two-way trips in the AM peak and 3 two-way trips in the PM peak.

The care home will operate a three-shift system as follows:

- 07:30 to 13:30;
- 13:30 to 19:30; and
- 19:30 to 07:30.

The GP' surgery hours of operation are as follows:

- 08.30 to 10:20;

- 16:00 to 17:50; and
- One appointment at 18:30 and 18:40, respectively (Monday, Tuesday and Thursday).

It is therefore expected that most vehicular movement to and from the Application Site will take place at the beginning and end of the care home shifts, and within the GP's surgery opening times as stated above.

Trip Rates. The database has been interrogated to obtain trip rates for the Application Site by selecting sites (Care Homes and GP's Surgeries) within the database with a similar size, location and accessibility to the Application Site. The database is an industry standard tool, which is used to predict trip rates for future developments based upon similar existing sites in the UK and Ireland. The following typical peak hours were identified:

- Care Homes – 07:00 to 08:00 and 14:00 to 15:00; and
- GP's Surgeries – 10:00 to 11:00.

The Findings

The resultant assessment have identified a range of findings, including:

1. The Langley Hill car park is well used between the hours of 09:15 and 12:15, 14:00 to 14:15 and 15:00 to 15:15. For the rest of the survey period the car park operates below capacity and on the survey day, there were more than 8 parking spaces available at the car park during the following times:

- 07:00 to 08:30; and
- from 16:00 onwards.

2. The Nap car park is well utilised between the hours of 09:15 and 12:45, and 15:00 to 15:45. For the rest of the survey period the car park operates below capacity and on the survey day, there were more than 8 parking spaces available at the car park during the following times:

- 07:00 to 08:45;
- 11:45 to 13:45;
- 14:15 to 15:15; and
- from 15:45 onwards.

3. The GP's surgery hours of operation are from 08.30 to 10:20 and 16:00 to 17:50 Monday to Friday, which represents less than four hours of patients arriving and departing during a typical workday. The surgery does also offer two evening appointments at 18:30 and 18:40 on a Monday, Tuesday and Thursday, however these hours are outside of the AM and PM peak hours. The associated survey table summarises the busy time periods at both car parks and the GP's surgery showing that for a limited time from 09:15 to 10:20 (35 minutes) patients may arrive at the GP's surgery when both car parks are fully utilised. However, the nearby streets offer more than sufficient on-street parking spaces during this 35-minute period.

4. The survey demonstrates that throughout the survey period there were consistently 8 or more on-street parking spaces available along High Street and 10 on-street parking spaces available along Langley Hill between Langley Hill Close and Archer Close which are located within 200-metre from the site.

5. In total there are many available and unused parking spaces along nearby streets with Fisher-, Archer- and York Close having spare capacity of 50% or more.

6. The survey data shows that both car parks have spare capacity early morning and from

midday onwards to accommodate any additional traffic generated as a result of the relocation of the GP's surgery. For the time period of 09:00 to 12:30 when both car parks are fully utilised, the nearby streets offer more than sufficient on-street parking spaces as discussed above.

6 The proposed development will provide 29 off-street parking spaces. It is not expected that any spill over will occur on nearby streets and within the car parks. However, the analysis shows that there is sufficient off-street parking in the car parks or on-street along nearby streets where parking already takes place.

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 part of the development hereby permitted shall take place until details and samples (where appropriate) of the materials (including glazing) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority and the hard surfaced courtyard shall be constructed of permeable material in accordance with details submitted to and approved in writing by the local planning authority. 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: In the interests of the character and appearance of the Conservation Area and the setting of the adjoining listed building and in the interests of sustainable drainage to accord with the requirements of Policies CS10 ,CS12, CS27 and CS29 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 3 All new external rainwater and soil pipes shall be formed in metal and painted black and all windows, doors and fascias shall be of timber and the rooflights shall be of a Conservation type.**

Reason: In the interests of the character and appearance of the Conservation Area and the setting of the adjoining listed building to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 4 This planning permission does not approve the removal of any of Trees T1 to T17 shown by Drawing No. D0188- 002 - D . All of these trees shall be protected during the whole period of construction fully in accordance with the details shown by Drawing No. Drawing No. D0188- 002 - D. Notwithstanding the submitted details a scheme for soft landscape works shall be carried during the first planting season following the first use of the development hereby permitted fully in accordance with details submitted to and approved in writing**

by the local planning authority. For the purposes of this condition the planting season is between 1 October and 31 March.

Reason: To ensure that the development is compatible with the setting of the adjoining listed building and the character and appearance of Kings Langley Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan and in the interests of biodiversity and to accord with the sustainable approach to development to accord with Policy CS29 of the Dacorum Core Strategy.

- 5 **Any tree, hedge or shrub which forms part of the approved landscaping scheme subject to Condition 4 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, section of equivalent hedge or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure that the development is compatible with the setting of the adjoining listed building and the character and appearance of Kings Langley Conservation Area to accord with the requirements of Policies CS10, CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan and in the interests of biodiversity and to accord with the sustainable approach to development to accord with Policy CS29 of the Dacorum Core Strategy.

- 6 **Prior to the commencement of the development hereby permitted details /samples of hard landscaping(including boundary treatment, full details of the retained existing boundary wall to Langley Hill Close, permeable surface materials and external drying facilities) shall have been submitted to and approved in writing by the local planning authority. The details of the retained boundary wall shall include a full constructional method statement in relation to the adjoining land within Langley Hill Close with reference to land and wall stability.**

The approved materials shall be used in the implementation of the development and all the approved boundary treatment and any associated hard landscaping shall be carried out / installed prior to the first use of the building or the approved amenity area and thereafter shall be retained at all times.

Reason: In the interests of the character and appearance of the Conservation Area and the setting of the adjoining listed building, biodiversity and in the interests of the residential amenity (especially no. 7 Langley Hill Close with regard to the issues of privacy and noise attenuation) and land stability to accord with the requirements of Policies CS10 ,CS12, CS27 and CS32 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 7 **The details of boundary treatment in accordance with Condition 6 shall include a scheme for additional boundary treatment with specific reference to acoustic measures in relation to 7 Langley Hill Close. All the approved boundary treatment and any associated measures shall be installed prior to the first use of any part of the development including the approved amenity area and thereafter the approved boundary treatment shall be retained at all times.**

Reason: In the interests of the character and appearance of the Conservation Area

and the setting of the adjoining listed building and in the interests of the residential amenity, especially no. 7 Langley Hill Close with regard to the issues of privacy and noise attenuation to accord with the requirements of Policies CS10 ,CS12 and CS32 of the Dacorum Core Strategy.

- 8 **The development hereby permitted shall not be occupied until the access arrangements and turning facilities shown by the approved drawings have been provided fully in accordance with the approved details. Thereafter the access and turning area shall be retained at all times and only used for the approved purposes. The access road and turning area shall be constructed so that they are capable of bearing the weight of a 15.5 tonne vehicle and have a gradient of no less than 1 in 20.**

Reason: In the interests of highway safety and to ensure that emergency and service vehicles are able to serve the development at all times in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

- 9 **The development hereby permitted shall not be occupied until all the approved arrangements for vehicle parking (including those for persons with disabilities) shown by the approved drawings and cycle storage shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved. An additional cycle storage facility provided to serve the surgery.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities including persons with disabilities in accordance with Policies CS8 and CS12 of Dacorum Core Strategy and saved Policy 63 of the Dacorum Borough Local Plan.

- 10 **Prior to the first occupation of the development hereby permitted and notwithstanding the submitted details a Green Travel Plan shall be submitted to the local planning authority. The Travel Plan shall provide details of measures for reducing car dependency, the need to travel to site by car whilst promoting alternative modes of transport such as walking, cycling and use of public transport. This shall be prepared in accordance with the Guidance Note "Developing a Green Travel Plan" by Hertfordshire Technical Chief Officers. The approved Green Travel Plan shall be carried out fully in accordance with the approved details.**

Reason: In accordance with the sustainable transportation policies of the development plan in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

- 11 **All the windows of the development hereby permitted shall be installed with glazing to limit noise transmission fully in accordance with details submitted to and approved by the local planning authority and any bathroom windows of the development hereby permitted shall be permanently fitted with obscured glass. The development shall be carried out fully in accordance with the approved details and thereafter the approved glazing shall be retained at all times.**

Reason : In the interests of residential amenity to accord with Policies 12 and 32 of the Dacorum Borough Core Strategy.

- 12 **Prior to the commencement of the development hereby permitted revised copies of the following reports shall be submitted:**

- **Preliminary Investigation Report Preliminary Investigation Report;**

Contract: 52200; Ian Farmer Associates (1998) Limited; March 2014

- **Report on Phase 2 Ground Investigation; Contract 52200A; Ian Farmer Associates (1998) Limited; May 2014.**

The reports must be revised and re-issued to take into account the new application and any alterations to the proposed site layout. The Report on Phase 2 Ground Investigation, (specifically section 8.4 Risk Assessment - Human Health) must be updated to reflect the changes to guidance which have occurred since the report was initially written in May 2014, (the publication of new generic assessment criteria – S4ULs etc.)

If the revised 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 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 Policies CS31 and CS32 of the Dacorum Core Strategy.

- 13 **All remediation or protection measures identified in the Remediation Statement referred to by Condition 12 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 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 Policies CS31 and CS32 of the Dacorum Core Strategy.

- 14 **Notwithstanding any of the submitted details no part of the development hereby permitted shall not occupied until a scheme for ventilation of the premises, including the extraction and filtration of cooking fumes and the system for laundry has been submitted to and approved by the local planning authority. The approved scheme shall be retained at all times.**

Reason: In the interests of safeguarding the residential amenity of the locality and the character of the Conservation Area to accord with the requirements of Policies CS12, CS27, CS29 and CS32 of the Dacorum Core Strategy and the saved Policy of 120 of the Dacorum Borough Local Plan.

- 15 **The development hereby permitted shall be carried in accordance with the submitted Sustainability Statement subject to the requirements of other conditions of this planning permission.**

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

- 16 **The approved facilities for the storage of refuse shall be provided before the development hereby permitted is first brought into use and thereafter shall be retained at all times.**

Reason: To ensure a refuse facility is provided at all times at the site in accordance with Policy CS12 of the Dacorum Borough Local Plan.

- 17 **The development permitted shall be carried out in fully in accordance with the surface water drainage assessment , as approved by Hertfordshire County Council Lead Flood Authority, and carried out by Hydrock reference R/C161599/002.03 dated December 2016, and the following mitigation measures detailed within the Flood Risk assessment :**

- **The provision of the 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.**
- 4. The construction of the drainage to include the permeable paving, attenuation tank and soakaway as shown /specified by the 'Proposed Layout Plan' on Drawing No. Dwg KIN-HYD-XX-XX-DR-D-5001.**
- 5. The carrying out of the appropriate drainage strategy based on infiltration.**

The above mitigation measures nos 1, 2 and 3 shall be carried out fully in accordance with the approved details prior to the occupation any part of the development hereby permitted and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with the aims of Policies CS12 and

CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 18 **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.**

Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

Detailed surface water run-off and volume calculations to ensure that the site has the capacity to accommodate all rainfall events up to 1:100 year plus climate change.

Any areas of informal flooding should the system flood above the 1 in 30 year event.

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 in accordance with the aims of Policies CS12 and CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

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.

- 19 **Details of all exterior lighting to be installed at the application site shall be submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed and thereafter retained fully in accordance with the approved details.**

Reason: In the interests of safeguarding the character and appearance of the Conservation Area, the setting of the adjoining listed building, the residential amenity of the locality, highway safety, biodiversity, access for persons with disabilities and crime prevention/security in accordance with Policies CS12, CS27, CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 20 **The development hereby permitted shall be constructed to provide bat roosts**

and enhancements for nesting birds, with two Sparrow terrace boxes mounted in appropriate locations along with a Swift box mounted in the eaves of the new building fully in accordance with Turnstone Ecology letter dated 16 June 2016 . Once provided the measures shall be retained at all times.

Reason: In the interests of biodiversity in accordance with Policies CS26 and CBS 29 of Dacorum Core Strategy.

- 21 **No development hereby permitted shall commence until the following are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

6. Details of wheel cleaning facilities for construction vehicles,

- **A Construction Traffic Management Plan and Access Route (s) ,and**
- **A scheme for on-site parking for construction workers. The scheme shall be implemented throughout the construction period.**

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

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

03 -KL -MA - 60a, 61b, 62b, 63b, 64b, 65a, 67b, 68b, 70d, 71, 72a, 72, 73, 74 and 79

Drainage: KIN-HYD-XX-XX-DR-D-5001

Tree Protection Plan:DO 188-02-D

D0 188-003

00155-C01-A

117215-1802

117215-1801 (003)

Parking 3D Layout

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 35 STATEMENT

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

Informatives

Land Stability

The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Contamination

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

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Councils website www.dacorum.gov

Highway Issues

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

2. 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Advice from Thames Water

1.Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes the developer share with neighbours, or are situated outside of the property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should the proposed building work fall within 3 metres of these pipes TW recommend the Developer sends a scaled ground floor plan of the property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

2.Surface Water Drainage.It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Advice from Hertfordshire County Council Lead 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 it is recommended there is reference to the LFA'S surface water drainage webpage: <http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewater/drainag>

Bats

In the event of bats or evidence of them being found, any works to the building must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0300 0603900, or the Herts & Middlesex Bat Group website: www.hmbg.org.uk

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;
Recklessly disturb bats;
Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

Hertfordshire Ecology can also provide advice. at Environmental Resource Planning, Hertfordshire County Council (Postal Point EMG CHN109), County Hall, Pegs Lane, Hertford, SG13 8DN ecology@hertfordshire.gov.uk Tel: 01992 555220

Water Supply Drainage

Affinity Water has advised 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 the Developer is advised to refer to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Contamination

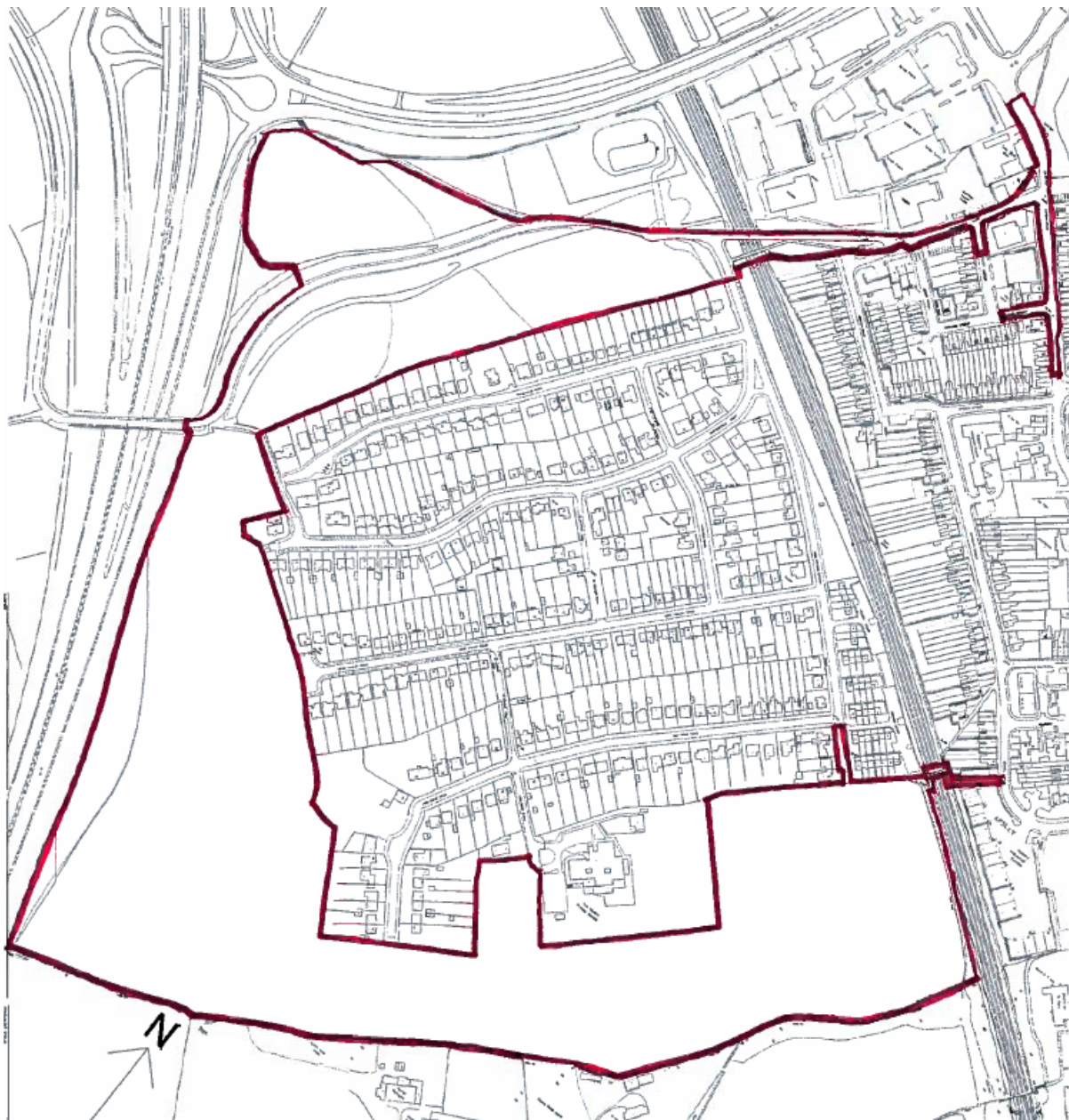
Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of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

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

Item 5b

**4/03378/16/ROC – VARIATION OF CONDITION 2 (APPROVED PLANS)
ATTACHED TO PLANNING PERMISSION 4/03120/16/NMA - NON-MATERIAL
AMENDMENT TO PLANNING PERMISSION 4/02419/04/FUL (RESIDENTIAL
DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE,
LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY
IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS
(VEHICULAR AND PEDESTRIAN))**

LAND ADJ. THE MANOR ESTATE, APSLEY, HEMEL HEMPSTEAD, HP3 9SE

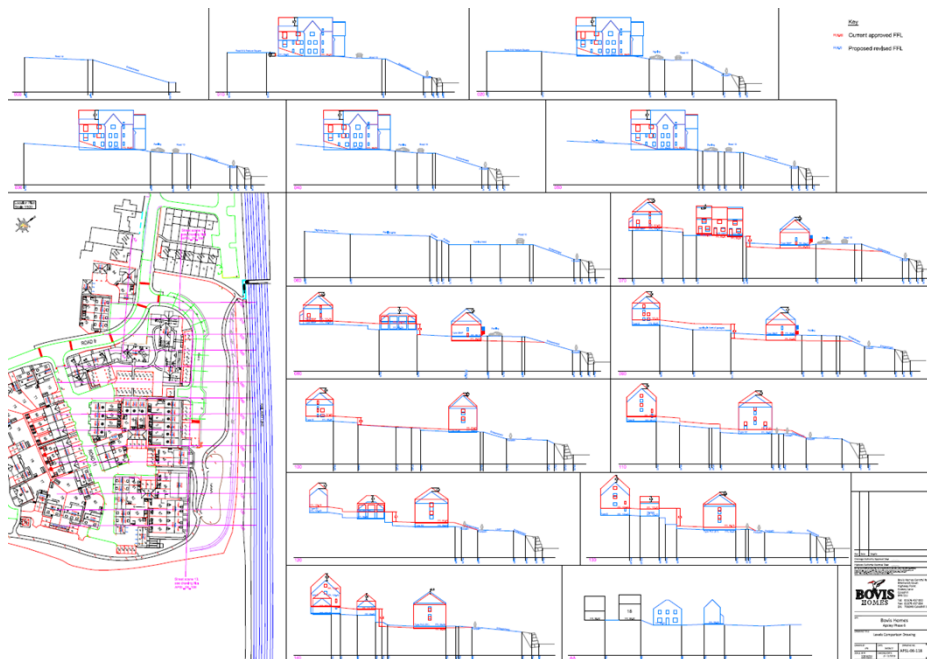


Location Plan

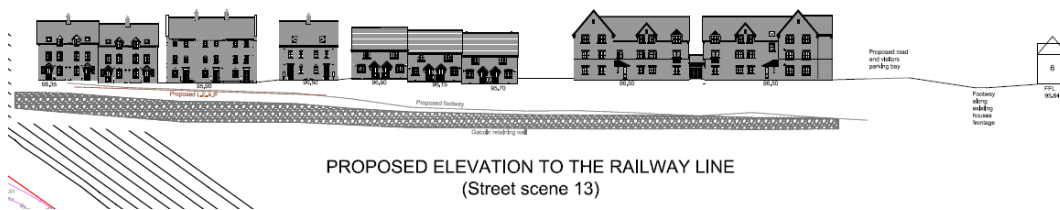
Item 5b

4/03378/16/ROC – VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/03120/16/NMA - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))

LAND ADJ. THE MANOR ESTATE, APSLEY, HEMEL HEMPSTEAD, HP3 9SE



Sections Compared



**PROPOSED ELEVATION TO THE RAILWAY LINE
(Street scene 13)**

Proposed Elevation



STREET ELEVATION 13

Approved Elevation

4/03378/16/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/03120/16/NMA - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)).

LAND ADJ. THE MANOR ESTATE, APSLEY, HEMEL HEMPSTEAD, HP3 9SE.

APPLICANT: Bovis Homes (Northern Home Counties) Ltd.

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The proposal relates to the erection of 325 dwellings and associated open space, landscaping, footpath links and highway improvement works (including new railway crossings). Amendments are sought in respect of approved levels relating to Phase 6 (lower end of Maxted Field) adjacent to the railway lines in order to accommodate access and highway requirements. There are minor consequential amendments to the design of the apartment blocks and street scene. There are also consequential amendments to hard and soft landscaping layout, means of enclosure, contours, roads and footpaths already approved under details pursuant to conditions.

The proposal is considered acceptable in its design and layout; The level changes with respect to the nearest residential properties in Edward Court would cause no material detriment to residential amenities. There would be no harm to the street scene or character of the development. Car parking, access, landscaping and public open space provision (including NEAP) would all be acceptable and not materially different to that already approved. A deed of variation to the existing s106 agreement will be required to incorporate the current application.

Site Description

The site, which was largely green field, extends to 19.52 hectares and is located to the south and west of the existing built-up area of Apsley between the West Coast Main Line railway and A41. The site is bounded by the A41 to the west, Featherbed Lane to the north and the mainline railway to the east. Two Waters Infant and Junior School is located adjacent to the existing urban area and indents into the site. To the south the Shendish Manor Estate and Golf Course and a number of residential properties bound the site. The site forms a C shape and is currently being built out in accordance with the permission (4/02419/04/FUL) that was granted in 2010 for 325 dwellings

The area of amendment the subject of the current application relates to the extreme eastern end of the southern arm of the site (Maxted Field) which slopes down broadly from west to east. The boundary immediately abuts the railway line and rear gardens of properties fronting on to High Ridge Road together with the boundary with Shendish Manor to the south. This part of the site has vehicular access from King Edward Street via Featherbed Lane. Exclusive pedestrian access to the site is from Kents Avenue to the north of the railway line via an existing footbridge. This provides access to Footpath No. 73, which has been diverted around the edge of Maxted Field to link with the Shendish boundary, and to open countryside beyond.

The majority of the site is excluded from the Green Belt by virtue of proposals TWA3 and TWA4 of the Dacorum Borough Local Plan which allocate these areas for residential development. The remainder of the site is either within the Green Belt (viz: Home Wood (east and west) and land forming part of the embankment to the A41) or allocated as open land (viz: the TWA21 area).

Proposal

In May 2010 planning permission was granted for residential development of 325 dwellings, provision of open space, landscaping, footpath links and associated highway improvement works including new railway crossings (vehicular and pedestrian) (4/02419/04/FUL).

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 2 of 4/03120/16/NMA is amended to list the updated plan numbers and formalise the amendments to the scheme.

The amendments relate to the reworking of approved levels across Plots 1-20 and 45-55 facing the railway line. The reason given is that:

"the approved engineering solution in this particularly challenging part of the site did not work. In order to enable the sensible construction and access to these plots we are proposing a change in the design to the apartment block (plots 7-20); and an amendment to the street scene facing onto the railway line (plots 55-45 & 1-20 (reading left to right))."

There are a number of minor consequential changes to landscaping, ground contours, means of enclosure, layout of car parking/footpaths etc. that are also proposed in preference to conditioning these items again.

Referral to Committee

The application is referred to the Development Control Committee because the proposal relates to a large scale major development (over 200 units) which is linked to an existing agreement under s106 of the Town and Country Planning Act 1990.

Planning History

4/00202/17/DRC DETAILS REQUIRED BY CONDITION 13 (SURFACE WATER DRAINAGE SYSTEM) ATTACHED TO PLANNING PERMISSION 4/02419/04/FUL - RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Delegated

4/03120/16/NM NON-MATERIAL AMENDMENT TO PLANNING PERMISSION
A 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))
Granted
08/12/2016

4/03342/15/NM NON MATERIAL AMENDMENT TO PLANNING PERMISSION
A 4/02419/04/FUL - RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
04/03/2016

- 4/02499/15/NM A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 4/02419/04/FUL - RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
29/07/2015
- 4/01804/15/DRC DETAILS OF BOUNDARY TREATMENT AS REQUIRED BY CONDITION 9 OF PLANNING PERMISSION 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
02/07/2015
- 4/01019/15/VAR VARIATION OF S106 LEGAL AGREEMENT DATED 12 APRIL 2010 ATTACHED TO PLANNING PERMISSION 4/02419/04/FUL.
Granted
28/09/2015
- 4/02479/14/DRC DETAILS OF BOUNDARY TREATMENTS AS REQUIRED BY CONDITION 9 OF PLANNING PERMISSION 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))
Refused
22/12/2014
- 4/02285/14/DRC DETAILS OF MATERIALS AS REQUIRED BY CONDITION 3 OF PLANNING PERMISSION 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
24/10/2014
- 4/00863/13/DRC DETAILS OF MATERIALS TO BE USED AS WEATHERBOARD ON BLOCK A. REQUIRED BY CONDITION 4 OF PLANNING APPLICATION 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
26/06/2013

- 4/01992/11/DRC DETAILS OF A SCHEME FOR FOUL AND SURFACE WATER (PHASES 2, 3, 4 & 5) AS REQUIRED BY CONDITION 13 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN WAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
06/01/2012
- 4/01961/11/DRC DETAILS OF WINDOWS/FRAMES AS REQUIRED BY CONDITION 4 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
21/05/2012
- 4/01963/11/DRC DETAILS OF HARD AND SOFT LANDSCAPE WORKS (EXCEPT FINISHED LEVELS/CONTOURS) AS REQUIRED BY CONDITION 7 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))
Granted
12/05/2014
- 4/01767/11/DRC DETAILS OF FINISHED LEVELS/CONTOURS, SLAB, FINISHED FLOOR AND RIDGE LEVELS AS REQUIRED BY CONDITION 5 (Phase 2, 3, 4 & 5) OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
12/01/2012
- 4/01474/11/DRC DETAILS OF HARD AND SOFT LANDSCAPE WORKS PHASE 1 AS REQUIRED BY CONDITION 7 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
12/05/2014
- 4/01479/11/DRC DETAILS OF MATERIALS AS REQUIRED BY CONDITION 3 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING,

FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT
WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND
PEDESTRIAN)

Granted
08/12/2011

4/01163/11/DRC DETAILS OF TREE PROTECTION MEASURES, PRIVACY
PROTECTION MEASURES, TRANSLOCATION OF GRASSLAND
AREAS AND ECOLOGICAL PROTECTION AS REQUIRED BY
CONDITIONS 6, 10, 17 AND 18 OF PLANNING PERMISSION
4/02419/04/FUL(RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS,
PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS
AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING
NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
12/12/2011

4/01398/11/DRC DETAILS OF CYCLE STORAGE, SUSTAINABILITY AND CRIME
REDUCTION MEASURES AS REQUIRED BY CONDITIONS 11, 12 AND
16 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL
DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE,
LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY
IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS
(VEHICULAR AND PEDESTRIAN))
Granted
08/12/2011

4/01370/11/DRC DETAILS OF FINISHED LEVELS/CONTOURS, SLAB, FINISHED FLOOR
AND RIDGE LEVELS (PHASE 1) AS REQUIRED BY CONDITION 5 OF
PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT
OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING,
FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT
WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND
PEDESTRIAN)
Granted
04/05/2012

4/01134/11/DRC DETAILS OF FOUL AND SURFACE WATER DRAINAGE (PHASE 1) AND
SMELL AND NOISE MITIGATION FOR FOUL WATER PUMPING
STATION AS REQUIRED BY CONDITIONS 13 & 15 OF PLANNING
PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325
DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING,
FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT
WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND
PEDESTRIAN))
Granted
10/11/2011

4/01131/11/DRC DETAILS OF ENCLOSURE AND WHEEL WASHING FACILITIES AS
REQUIRED BY CONDITIONS 9 AND 20 OF PLANNING PERMISSION
4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS,

PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))
Granted
13/09/2013

4/00957/11/NM A RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN) - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 4/02419/04
Granted
20/07/2011

4/01044/11/DRC DETAILS OF PHASING PLAN, NOISE AND VIBRATION REPORT AND MITIGATION MEASURES AND CONTAMINATION AS REQUIRED BY CONDITIONS 2,14 AND 21 OF PLANNING PERMISSION 4/02419/04(RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
10/08/2011

4/01031/11/DRC DETAILS OF ARCHAEOLOGICAL INVESTIGATION AS REQUIRED BY CONDITION 19 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
11/11/2011

4/00745/10/MFA RESIDENTIAL DEVELOPMENT OF 37 DWELLINGS (AMENDED LAYOUT)
Granted
09/08/2010

4/02419/04/FUL RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
11/05/2010

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
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

Highway Authority

Does not wish to restrict the grant of permission.

HCC highways are aware of this about re design works which was brought to their attention by Osbournes due to matters arising from the design of the road as being built compared to that approved for the bridge. The estate road will be required to tie into the swan neck junction.

HCC with the other stakeholders have come together to agree a compromise that achieves the correct tie in and maintains drainage.

All the above works are being supervised, design checked as part of the legal agreement for this development.

Design Out Crime Officer

It appears as though rear garden access alleyways are open to casual intrusion, which means they can become a gathering point for youths causing damage and Anti-Social Behaviour (ASB). I therefore ask that rear garden access alleyways to dwelling rear gardens are fitted at their entrance with a full height gate fitted with a suitable lock so residents can enter and leave from either side being able to unlock and lock the gate.

Parks and Open Spaces Officer

No objection

HCC Fire & Rescue

We have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate. Further comments will be made when we receive details of the Building Regulations application.

Historic Environment Officer

I have no comment to make on the application.

Rights of Way Officer

Any comments received will be reported at the meeting

Trees and Woodlands

Any comments received will be reported at the meeting

Building Control

Any comments received will be reported at the meeting

Refuse Services Manager

Any comments received will be reported at the meeting

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

7, 9 and 12 Edward Court; object:

- Increased height of flats causing loss of privacy
- Car lights may shine into bedroom windows
- Overbearing and intrusive development
- Loss of light and overshadowing
- Inadequate parking provision causing the area to be dominated by cars
- Insufficient safe turning and visibility for residents' vehicles and service vehicles
- Could lead to subsidence due to steep slope and lack of proper drainage
- Consideration should be given to controlling hours of building operations, and providing a site compound for operatives

Considerations

Key issues

The principle issue is whether the adjustment of levels across the lower part of the site adjacent to the railway line together with alterations to the design of the apartment blocks in response to the change in levels would be detrimental to the appearance of the scheme, the functioning of the site and residential amenities.

Condition 2 of 4/03120/16/NMA lists the approved plans. The ones that describe this section of the site are:

P002 rev M Site layout Sheet 1
P046 Rev D Plots 7-20 Plans
P047 Rev D Plots 7-20 Elevations
P051 Rev A Street Elevations (Elevation 13)

It is proposed to substitute these with amended plans showing the alternative levels, layout and elevations as follows:

AP 7-20-02 G - Ground Floor Structural
AP 7-20-03 G - First Floor Structural
AP 7-20-04 G - Second Floor Structural
AP 7-20-08 C - Front & Side Elevations
AP 7-20-09 A - Rear & Side elevations
APSL-06-107 B - Apsley Phase 6 Proposed plans and Sections
APSL-06-108 B - Apsley Phase 6 Proposed Finished Floor Levels & Street Scene 13

The following drawings provide updated detail regarding the landscaping and fencing of the Phase 6 area..

APS6-02-300 K - Apsley Phase 6 fence key plan
JBA 11-249-06 Rev B - Apsley Phase 6 detailed plots and POS

The following drawings have also been submitted to help describe the changes but will not be approved drawings as such:

P001 A Location Plan
APSL_06-104 Approved and Proposed Sections Comparison
APSL_06_105 Approved and Proposed Levels

Discussion

Reference should be made to the report on 4/02419/04/FUL which granted permission for the development of the site for 325 dwellings in 2010 (see Appendix).

In considering 4/02419/04/FUL it was noted that a traditional style of dwelling was proposed which would provide some continuity with the existing estate through the use of materials and traditional details. It was also noted that a consistent style was proposed throughout the scheme and that the design of the units was attractive in their own right. It was further noted that the affordable housing (plots 1-41 on Phase 6) was designed using the same architectural details and palette of materials to ensure that it was indistinguishable from the open market units, and officers were satisfied that the proposals would not lower the quality of the development.

The proposed amendment to levels would not significantly alter the design or layout of the dwellings themselves and the approved materials would not change. The main change relates to the street scene fronting the railway line. The approved street elevation 13 had a significant

dip centred on plot 6 whilst the proposed street elevation now evens out the dip across the length of the street scene from left to right. This is shown on the revised Elevation to the Railway Line (Street scene 13). However, officers were keen to ensure that the scheme retained interest by an appropriate response to levels across the site by maintaining an element of roof articulation to the scheme. Although less evident than on the approved scheme it is considered that this has been suitably achieved in the revised scheme and will ensure a satisfactory appearance to the development from the proposed open space in front as well as in views from passing train passengers.

The change in levels across the site is shown in cross sections on Drg. No. APSL-06-107 B. This indicates that finished floor and roof levels would vary from that approved by between plus 1.7 metres and minus 2.3 metres. Plots 1-7 within the central part of the street scene would see a rise of up to 2.3 metres. However, there would be no impact on any existing adjoining residential amenities. Plots 45-55 would see a fall of between 1.3 and 0.5 metres. To the rear of this range, plots 42-44 would see a fall of 1.6 metres, and plots 50-54 a fall of up to 2.2 metres. To the rear of this range level changes would commensurately reduce until a zero change is achieved where the plots meet road 9 (spine road).

Importantly, it should be noted that the apartment blocks (plots 7-20) nearest Edward Court properties would see no change in finished floor level or main ridge height, and a lowering of ridge height by a full storey in respect of the west (front) wing of the northern block nearest Edward Court. This would result in the loss of an apartment from the top floor but its replacement at ground floor where there was previously none. Accordingly, there would be no increase in overlooking of Edward Court properties and the visual impact will be less. It should be noted in this respect that the distance is well over the minimum 23 metres and land between the apartment block and Edward Court would be landscaped with trees which will mitigate any harm.

A consequence of level changes around the apartment block is that the rear elevation facing onto the focal square would increase from 1.5 to 2.5 storeys. The key reason for this is that ground levels in the focal square would fall from that approved. Clarification is sought from the agent regarding the reason for this as it is unclear from the cross sections how this affects the relative heights of the other blocks surrounding the square, as this has not been demonstrated in cross section or street scene. The applicant has promised a street scene so that the impact can be considered and an update will be provided at the meeting.

There would be no material change to the functioning of the site as a result of these amendments as access and parking provision would remain as approved and landscaping and public open space provision would only marginally alter in response to level changes. The overall area of public open space and landscaping would be as approved and no adverse comment has been received from the Parks and Open Spaces Officer. Consequential changes to fencing, landscaping, footpaths, contours are shown on Drg. Nos. APSL_06_300 rev K, 108 rev B and JBA 11/249-06 rev B.

The proposed amendments are considered acceptable and would comply with Policies CS12 and 13 of the CS and saved Policy 100 of the Local Plan.

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, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 relating to phasing, materials, 1:20 details, levels (as amended by this application), tree protection, hard and soft

landscaping (as amended by this application), means of enclosure (as amended by this application), protection of privacy of 8-22 Manorville Road, secure cycle storage, energy efficiency and conservation measures, foul and surface water drainage, noise scheme, scheme to control odour and noise from pumping station, crime prevention measures, translocation of grassland, accommodation of protected species, archaeological WSI, wheel washing, contamination assessment have been discharged. Compliance conditions are recommended.

Condition 9 relates to a landscaping scheme for the "Additional Land" in the south western corner of the site. However, this land was never acquired by the applicants and therefore a landscaping scheme was never submitted. Instead, an alternative layout was approved for the "Purple Land" in recognition of this in accordance with the s106 agreement which ensures that a suitable area remains for public open space in compensation (4/00745/10/MFA).

Condition 21 relates to contamination but is no longer relevant as no contamination was found that needed remediation. It is relevant only in so far as identifying the approval.

Condition 22 requires compliance with the remediation statement but is no longer relevant given there was no remediation required.

Condition 23 requires on site storage and parking by contractors and remains relevant.

Condition 24 requires compliance with vehicle parking and access proposals and remains relevant.

Condition 25 requires compliance with refuse storage facilities and remains relevant.

Condition 26 requires the approved roadway, access, turning and circulation areas within any separate phase to be laid out to base course level before any dwelling is occupied and remains relevant.

Condition 27 requires compliance with the Air Quality Assessment Report and remains relevant.

Condition 28 relates to construction hours and remains relevant.

Condition 29 removes permitted development for certain classes from certain plots and remains relevant subject to referencing the latest GPDO.

Condition 30 removes requires obscure glass to be fitted to certain plots and remains relevant in the interest of residential amenity.

Condition 31 requires garages to be kept available at all times for parking and not to be converted or adapted for form living accommodation and remains relevant in the interests of highway safety and convenience.

Condition 32 requires development to be carried out fully in accordance with the approved plans unless approved otherwise by way of a further planning application or a non-material amendment. However, the condition is not strictly necessary as any development not in accordance with approved details would be a breach of planning anyway.

An additional condition will need to be added to require compliance with the non-material amendments approved under 4/00957/11/NMA, 4/02499/15/NMA, 4/03342/15/NMA and 4/03120/16/NMA for the avoidance of doubt.

Condition 2 of 4/03120/16/NMA lists the approved plans which should be updated to refer to the revised plans and listed as a new condition under this application.

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 4/03378/16/ROC in the current s106 agreement relating to 4/02419/04/FUL.

Suggested Conditions

- 1 **The development shall be carried out in accordance with the details of phasing approved under application reference 4/01044/11/DRC.**

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

- 2 **The development shall be carried out in accordance with the samples / details of materials approved under application references 4/01479/11/DRC and 4/02285/14/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 **Unless otherwise approved in writing by the local planning authority, all window frames shall be finished in white and recessed 90 mm from the face of the elevation in which they are set, all doors shall be painted/stained timber, all fascias, bargeboards, and other joinery shall be white painted/stained timber, and all juliet balconies shall be finished black, and the development shall be carried out in accordance with the details of windows/frames approved under application reference 4/01961/11/DRC and materials approved under application reference 4/00863/13/DRC.**

Reason: To ensure a sustainable form and satisfactory appearance to the development in accordance with Policies CS10, 11, 12, 13 and 29 of the Dacorum Core Strategy (September 2013).

- 4 **The development shall be carried out in accordance with the details of levels/contours, slab and finished floor levels approved under application references 4/01370/11/DRC (Phase 1) and 4/01767/11/DRC (Phases 2, 3, 4 & 5), except in-so-far as may be varied as part of the current application.**

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.

- 5 **The development shall be carried out in accordance with the details of tree protection approved under application reference 4/01163/11/DRC. No materials, plant or equipment shall be stored or deposited and no mixing of materials shall take place within the area(s) so protected.**

Reason: To ensure that damage does not occur to the trees during building operations in the interests of the appearance of 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 shall be carried out in accordance with the details of hard and soft landscaping approved under application reference 4/01474/11/DRC and 4/01963/11/DRC. The approved landscaping scheme relating to each separate phase area shall be implemented by the end of the first planting season immediately following the completion of that phase of the development (a planting season means the period from 1 October in any one year to 31 March in the next following year). Any approved landscaping falling outside of any phase area shall be implemented by the end of the first planting season following the completion of the last phase of development. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any parts of the landscaping scheme which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established. For the purposes of this condition each separate phase area shall be as approved under Condition 1 above.**

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.

- 7 **The development shall be carried out in accordance with the details of enclosure approved under application references 4/01131/11/DRC and 4/01804/15/DRC.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

- 8 **The development shall be carried out in accordance with the details of the measures to protect the privacy of Nos. 8 to 22 Manorville Road inclusive from the "Swan-Neck" running between Featherbed Lane and King Edward Street approved under application reference 4/01163/11/DRC.**

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

- 9 **The development shall be carried out in accordance with the details of cycle security approved under application reference 4/01398/11/DRC.**

Reason: In the interests of providing secure facilities for cycle parking/storage in the interests of a sustainable form of development in accordance with Policy CS29 of the Dacorum Core Strategy (September 2013).

- 10 **The development shall be carried out in accordance with the details of energy efficiency and conservation measures approved under application reference 4/01398/11/DRC. All approved measures shall be incorporated into each individual house or flat before it is first occupied.**

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.

- 11 **The development shall be carried out in accordance with the details of foul and surface water drainage approved under application reference 4/01134/11/DRC (Phase 1) and 4/01992/11/DRC (Phases 2, 3, 4 and 5) together with 4/00202/17/DRC. Before any house or flat is first occupied within any separate phase of the development, the approved drainage measures within that phase area shall be provided. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.**

Reason: To ensure the satisfactory disposal of foul and surface water, to ensure 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 Document, "Water Conservation."

- 12 **The development shall be carried out in accordance with the mitigation scheme for noise and vibration from the railway approved under application reference 4/01044/11/DRC. No affected dwelling shall be occupied until the works which form part of the approved scheme which relate to that specific dwelling shall have been completed.**

Reason: In accordance with PPG24 in the interests of the amenity of residents in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 13 **The development shall be carried out in accordance with the details of mitigation measures for smell and noise nuisance from the foul sewage pumping system approved under application reference 4/01134/11/DRC.**

Reason: In the interests of residential amenities in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 14 **The development shall be carried out in accordance with the details of crime reduction measures approved under application reference 4/01398/11/DRC.**

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).

- 15 **The development shall be carried out in accordance with the details of translocation of areas of important grassland approved under application reference 4/01163/11/DRC.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and ecological heritage in accordance with Policies CS10, 12 and 29 of the Dacorum Core Strategy (September 2013).

- 16 **The development shall be carried out in accordance with the details of ecological protection approved under application reference 4/01163/11/DRC.**

Reason: To ensure the appropriate accommodation of protected species and their habitat within the development in accordance with Policies CS10, 12 and 29 of the Dacorum Core Strategy (September 2013).

- 17 **The development shall be carried out in accordance with the details of**

archaeological investigation approved under application reference 4/01031/11/DRC and prior to the occupation of the last residential unit of the development a fully detailed report of all on-site archaeological work shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with Policy CS27 of the Dacorum Core Strategy (September 2013).

- 18 **The development shall be carried out in accordance with the details of wheel washing approved under application reference 4/01131/11/DRC and the wheel washing facilities shall be operated and maintained, along with measures for the disposal and removal of mud, in accordance with the approved details for the duration of construction works.**

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.

- 19 **All storage areas and facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site associated with the construction of the development hereby permitted, including the access works, shall be provided for the duration of the development on land which is not a public highway and which is not in an area required for tree protection and the use of such areas must not interfere with the use of the public highway or any trees.**

Reason: To ensure the adequate and satisfactory provision of off-street construction-related vehicle parking facilities in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 20 **No house or flat shall be occupied until the facilities for vehicle parking and access (including cycle storage) for that house and/or flat shall have been provided in accordance with the details shown on the approved plans, and such facilities 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.

- 21 **The refuse storage facilities for the blocks of flats shown on the approved plans shall be provided before any flat in any block to which they relate is first occupied.**

Reason: In the interests of providing satisfactory facilities for the storage of refuse in accordance with Policy CS12 and 29 of the Dacorum Core Strategy September 2013.

- 22 **Before any house or flat is first occupied within any separate phase of the development, the approved roadway, access, turning and circulation areas within that phase area shall have been laid out and constructed to base course level. For the purposes of this condition each separate phase area shall be as**

approved under Condition 1 above.

Reason: To ensure that adequate access 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, in accordance with saved Policy 51 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 23 **Development shall be undertaken in accordance with the mitigation measures as set out in the Air Quality Assessment Report approved under application reference 4/02419/04/FUL.**

Reason: To ensure that the issue of air quality is adequately addressed and to ensure a satisfactory residential development in accordance with Policies CS12 and 32 of the Dacorum Core Strategy September 2013.

- 24 **Except in relation to the bridge works, or as may otherwise be agreed in writing by the local planning authority, no construction works relating to this permission shall be carried out outside the following hours:**

Monday to Friday 07.30 hours to 18.00 hours
Saturday 08.00 hours to 13.00 hours

There shall be no construction work on Sundays or Bank Holidays.

Reason: In the interests of the amenity of nearby residents in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 25 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development on the following properties 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

Class A

TWA3 - Plots 23, 25, 29

TWA4 - Plots 53-58, 60, 70, 79-82, 87, 90, 98-101, 105-107, 125, 132, 136, 137, 138, 141, 142, 147, 148, 177, 182, 186, 189, 193, 194, 201, 203, 204, 209, 211, 215-217, 225, 229, 239, 248, 254, 256-259, 260-269, 270-280, 282-285, 287, 288, 290, 295,

Class B

TWA3 - Plots 1, 2, 18-30

TWA4 - Plots 1-6, 38-58, 59, 60, 70, 78-84, 87, 90-93, 98-101, 125-128, 129, 133-136, 139-140, 146-153, 177, 182, 185, 186, 189-193, 196, 197, 201, 203-204, 206, 207, 211-217, 225, 229-233, 239, 242-248, 251, 254, 256-280, 282, 283, 285, 287-295,

Class C

TWA3 - Plots 1-30 (excluding flats)

TWA4 - Plots 1-295 (excluding flats)

Class D

TWA3 - Plots 18-22, 25-27, 29, 30

TWA4 - Plots 55-58, 59, 62-69, 71, 78, 103-106, 108, 131, 132-141, 196, 197, 201-204, 210-214, 230, 231, 243-246, 248, 249, 258, 259, 267-269, 277, 278, 289,

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenities of the locality (including the original design concept of the dwellings) in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

26 **The windows in the following properties shall be permanently fitted with obscured glass:**

TWA 3:

Plot 18 - First floor bathroom

Plot 19 - First floor bathroom

Plot 23 - First floor landing and shower room

Plot 24 - First floor landing and shower room

Plot 25 - First floor bathroom

Plot 27 - Stairwells

TWA 4:

Plot 9 - Bathroom and south east living room

Plot 11 - Bathroom and south east living room

Plot 41 - Landing

Plot 42 - En-suite

Plot 50 - Upper stairwell

Plot 59 - First floor en-suite

Plot 75 - North-most window to bedroom 5

Plot 84 - First floor bathroom

Plot 88 - First floor en-suite

Plot 89 - Bedroom 4

Plot 96 - Stairwells

Plot 99 - First floor en-suite

Plot 126 - Stairwells

Plot 133 - Stairwells

Plot 137 - First floor en-suite

Plot 138 - Bedroom 6

Plot 139 - First floor en-suite

Plot 141 - First floor en-suite

Plot 144 - First floor bathroom

Plot 177 - South east bedroom 2

Plot 180 - Hall, bathroom and store

Plot 181 - Hall, bathroom and store

Plot 182 - North west bedroom 2

Plot 185 - South east bedroom 2

Plot 186 - bathroom and en-suite

Plot 190 - Stairwells

Plot 200 - First floor en-suite

Plot 201 - En-suite

Plot 202 - En-suite

Plot 203 - En-suite

Plot 204 - En-suite

Plot 205 - First floor en-suite

Plot 207 - First floor bathroom
Plot 214 - First floor en-suite
Plot 219 - Stairwells
Plot 234 - First floor en-suite
Plot 235 - Bedroom 5 and 6
Plot 236 - First floor en-suite
Plot 237 - First floor en-suite
Plot 238 - Bathroom
Plot 246 - Bedroom 5 and 6
Plot 249 - First floor en-suite
Plot 250 - Bathroom
Plot 260 - Stairwells
Plot 286 - Bathroom
Plot 294 - Stairwells

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 27 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.**

Reason: In the interests of highway safety and to safeguard the visual character of the area in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013..

- 28 **The development shall be carried out in accordance with the non-material amendments approved under application references 4/00957/11/NMA, 4/02499/15/NMA, 4/03342/15/NMA.**

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

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

AP 7-20-02 G - Ground Floor Structural
AP 7-20-03 G - First Floor Structural
AP 7-20-04 G - Second Floor Structural
AP 7-20-08 C - Front & Side Elevations
AP 7-20-09 A - Rear & Side elevations
APSL-06-107 B - Apsley Phase 6 Proposed plans and Sections
APSL-06-108 B - Apsley Phase 6 Proposed Finished Floor Levels & Street Scene 13
APS6-02-300 K - Phase 6 fence key plan
JBA 11-249-06 Rev B - Apsley Phase 6 detailed plots and POS

together with the following plans approved under 4/02419/04/FUL:

(Boast Associates)

P001 rev A – Location plan
P003 rev L – TWA-4 Site layout – sheet 2
P004 rev L – TWA-4 Site layout – sheet 3
P005 rev H – TWA-3 Site layout – sheet 4
P006 rev E – Overall site layout
P008 rev D – House type A1
P009 rev C – House type B
P010 rev C – House type B1
P011 rev D – House type C1/D1 Plans
P012 rev D – House type C1/D1 Elevations
P014 rev C – House type E
P015 rev C – House type E1/E2
P016 rev C – House type E1
P017 rev C – House type F
P019 rev B – House type G1
P022 rev C – House type J
P025 rev C – House type K1
P027 rev C – House type M
P028 rev C – House type N
P029 rev C – House type O/O1
P030 rev D – House type P
P031 rev E – House type R
P032 rev C – House type S
P033 rev C – House type V
P034 rev C – House type W
P035 rev B – House type X/Y
P036 rev A – Bin/bike stores
P038 rev D – House type 2B4P (affordable)
P039 rev D – House type 3B5P (affordable)
P040 rev C – House type 4B6P (affordable)
P041 rev C – Flats, plots 179-182
P042 rev C – Flats, plots 21-26
P043 rev D – Flats, plots 27-34
P044 rev C – Flats, plots 154-165
P045 rev C – Flats, plots 166-173
P048 rev D – TWA3 Flats, plots 6-11
P049 rev C – TWA-3 Flats, plots 12-17
P050 rev B – Street elevations 1-6
P052 rev B – Street elevations 14-15
P059 – Affordable housing site locations
P060 – Play area locations
P061 rev A – 3D view: focal square 3
P062 rev A – 3D view: home zone 1
P063 rev A – 3D view: focal square 2
P064 rev A – 3D view: village green
P065 rev A – 3D view: public open space
P066 rev A – 3D view: focal square 1
P067 – 3D view: TWA-3 general view
P068 – Drawing showing privacy of rear garden to 85 West Valley Road
P069 – Street elevation 16
P070 – Street elevation 17
P071 – Storey heights
P072 rev B – Site layout showing public open space

(MJA Consulting)
3595-OS-01

3595-OS-02
3595-OS-03
3595-OS-04
3595-OS-05
3595-OS-06
3595-OS-07
3595-E10
3595-EX04

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 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 4/02419/04/FUL.

APPENDIX TO 4/03378/16/ROC (Item 5b)

4/02419/04/FUL - RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN).

LAND ADJ. THE MANOR ESTATE, APSLEY, HEMEL HEMPSTEAD.

APPLICANT: J S BLOOR (SUDBURY) LTD.

[Case Officer - Andrew Parrish]

DCC COMMITTEE - 26th March 2009

SUMMARY

Summary of reasons to grant

The amended Heads of Terms and conditions for this development would still comply with the overall objectives for the development of this site and constitute proportionate requirements, hence the recommendation below.

BACKGROUND

The Development Control Committee resolved to defer this application at its meeting of the 15th January 2009. The application was deferred for the following reasons:

- To enable the Council to engage with Network Rail, Hertfordshire County Council and the applicant regarding the delivery and level of improvements to the Kents Avenue railway bridge to ensure that the bridge is at or near DDA compliance;
- To provide further information regarding the Local Plan Inspector's comments regarding
- To enable further discussions around the works to the Kents Avenue Bridge in the context of the wider Heads of Terms set out within the S106 package.

POLICIES

National policy guidance

PPS 1, PPG 2, PPS 3, PPS 9, PPS 11, PPG 12, PPS 12, PPG 13, PPG 15, PPG 16, PPG 17, PPS 22, PPS 23, PPG 24 and PPG 25

Circulars 15/92 (Publicity for Planning Applications), 2/93 (Public Rights of Way), 08/93 (Awards of Costs incurred in Planning and Other Procedures), 11/95 (The Use of Conditions on Planning Permissions), LAQM.G4 (97) (Air Quality and Land Use Planning), 6/98 (Planning and Affordable Housing), 02/99 (Environmental Impact Assessment), 04/01 (Countryside and Rights of Way Act 2000), Planning for Access for Disabled People: A Good Practice Guide, 05/05 (Planning Obligations) and 06/05 (DEFRA Circular to accompany PPS 9)

East of England Plan

Policies SS1, SS2, SS3, SS8, H1, H2, T2, T3, T14, ENV1, ENV3, ENV7, ENG1, WAT2, WAT4 and LA2.

Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 49, 50, 51, 54, 55, 58, 61, 62, 63,

64, 67, 69, 70, 72, 73, 76, 79, 80, 96, 98, 99, 100, 101, 102, 103, 107, 111, 113, 115, 116, 118, 122, 123 and 124.

Two Water and Apsley Insert

Appendices 1, 3, 5, 6 and 8

Supplementary Planning Documents/Guidance

Eligibility Criteria for the Occupation of Affordable Housing
Energy Efficiency and Conservation
Environmental Guidelines
Manor Estate Development Brief
Water Conservation

CONSIDERATIONS

Improving the Kents Avenue Bridge

The case officers held a meeting with the County Council and representatives of Network Rail on the 12th of February 2009 at the Kents Avenue footbridge. At this meeting the technical difficulties in the provision of a step/ramp bridge, issues of ownership, liability and maintenance and the scope for improvements to the bridge were all discussed.

The Kents Avenue footbridge is owned by Network Rail and in its current format conforms to its requirement to support the public footpath over the railway. Network Rail's obligations in respect of this bridge are to maintain the structure so it is fit for purpose, although this only extends to ensuring the structure is structurally sound and ensuring that the bridge meets the primary objective of maintaining the safety of the railway network. The bridge span has recently been replaced and the parapet walls to the bridge raised to address concerns with people throwing items onto the tracks over recent years. Network Rail has little budget to improve the bridge; it is therefore viewed as a burden costing money and resources to maintain.

There is no scope for Network Rail to improve the overall quality of the footbridge. Any improvement to structures owned and maintained by the company which would exceed the obligations to the structure and increase maintenance liabilities are understood to constitute works which Network Rail would not approve without a transfer of the asset. This naturally limits the scope of improvements that can be carried out at the Kents Avenue bridge to those of a minor nature for which limited maintenance work is required.

The maintenance of railway bridges, the potential costs and future liabilities of such structures are so high that the County Council cannot entertain the transfer of this asset to them. The cost is disproportionate to the scale of the development undertaken and there would be no basis to request the costs of maintenance from the developer as a commuted sum.

Any works to the bridge require the approval of Network Rail, but discussions on site have added greater certainty as to the scale of works that would be feasible and acceptable to Network Rail. In principle these would amount to:

- Providing additional/better lighting to the footbridge,
- Providing anti-slip surfacing to the concrete steps,
- Providing reflective nosing to the concrete steps,
- Re-painting the bridge and steel handrail and
- Removing graffiti.

Network Rail have further clarified that altering the bridge deck or the metal steps on either side leading to the concrete steps would constitute significant improvements and would increase liabilities to such an extent that they would look to divest their interests in the structure.

The County Council requested that a contribution be made in preference to a direct provision of bridge improvements. They negotiated that such sum should be £100,000 in discussion with the applicant, that being a sum proportionate to the scale of the development and one which would cover the cost of improvements identified above. They have also subsequently requested that if there are any remaining monies from these works, then this is spent elsewhere in Apsley on Sustainable Transport Measures.

The final position of each of Network Rail and the County Council, as set out above, has been summarised in correspondence and the relevant letters appear at Appendices 1 and 2 respectively.

It would be remiss of officers not to advise both that the County Council's professional opinion as Highway Authority on such matters should be given considerable weight in the determination of this application and that the applicant should not be penalised for the inability to secure additional improvements to such structures as are not within its control.

The Inspector's Report

The Local Plan Inspector's report does not make reference to the Kent's Avenue footbridge, in the sections entitled "Access and Traffic" and "Traffic and Access" for proposals TWA6 (now TWA3) and TWA7 (now TWA4) respectively.

In reaching conclusions to present to the Local Plan Inquiry, the Borough Council produced a range of documents including a Sustainability Assessment (CD53 and CD53A) of all the sites to be considered under the housing site allocations. An extract from CD53A is attached at Appendix 3 to this report for the Committee's consideration. These documents were produced to enable the Council to compare the relative merits of each of the proposed housing sites and form conclusions as to its preferred sites. Appendix 3 shows that the two Manor Estate sites have been appraised with ticks indicating that the sites were considered to have an acceptable impact and relatively high degree of accessibility.

The Council concluded in CD53A that TWA6 had a sustainability score of 16 which was as high or higher than virtually all the greenfield sites in the Plan. Officers would emphasise that the replacement of the vehicular crossing at Featherbed Lane will provide a number of improvements, including a new footway.

The Council concluded in CD53A that TWA7 had a sustainability score of 12 which was below that for West Hemel Hempstead but considerably higher than other alternatives. The Inspector concluded however that the score for West Hemel Hempstead was over estimated and that land at the Manor Estate was likely to be equal or better in sustainability terms. The Inspector's observation that the replacement of the pedestrian bridge to Kents Avenue with a ramped bridge (not DDA compliant but including both steps and ramp) would greatly facilitate access to Sainsburys and the local centre is an isolated comment in a section of the report where he examined the walking distances to a range of services on both a theoretical and practical basis. Understandably, Members may well wish to give the above observation notable weight. The key point is the Inspector's conclusion that the walking distance in each case was not unreasonable. It is apparent from a proper reading of the report that the Kents Avenue footbridge was one, relatively minor, aspect of an overall assessment of the allocation of the site for housing. Moreover, in such a Report, it is extremely rare that one point alone will dictate the Inspector's conclusion; instead, the matter is looked at in the round- a balancing process in which Members themselves are clearly well-versed, given their frequent deliberations on planning applications

In any event it particularly needs to be borne in mind that the Inspector's Report was produced in 2002, which is a long time ago, especially in planning terms. Looking at the matter today, as Members obviously are, the position is that the Highway Authority is not saying that a bridge to DDA standard is required. The third party (Network Rail) has explained why it is not in a position both to permit extensive works and to retain responsibility for the bridge after such works. The County Council for its part has likewise shown that it is not in a position to take on that responsibility.

In addition, it would be an unjustifiable omission if this Committee report did not mention for completeness that the existing outline planning permission has a S.106 Agreement attached to it which does not require replacement of the bridge, as, of course, per Members' previous decision,

The Wider Community Benefits

Given that a DDA compliant bridge cannot be provided, what is critical is the fact that the overall package of S106 contributions represents a significant investment in the infrastructure of Apsley and will deliver substantial benefits to its population. Securing improvements to a single pedestrian route onto the estate falls to be considered a low priority in the context of the considerable contributions towards affordable housing, education, community facilities and medical infrastructure.

The amended Head of Term delivers improvements to the footbridge and there will be other improvements to the accessibility of the Manor Estate which will be significant. The requirements included for these improvements reflect their importance in the scheme when considered in all its detail. Thus the cost of providing an improved bridge at Featherbed Lane, with its new wider, better aligned, carriageway and separate footway, should not be underestimated and the provision of a dedicated half hourly bus service will ensure a high level of accessibility by public transport

The developers have exceeded the expected levels of affordable housing for the site by some 2%, and the majority will be available for rent, thereby addressing housing need.

Additional benefits have also been provided in the form of new parking bays to serve the local shops within Apsley beyond the requirements of the Local Plan and Development Brief.

Other Matters Raised

The requirements of the Regional Plan to provide at least 10% of energy from decentralised and renewable or low carbon sources are not considered to be an unrealistic aspiration for a development of this scale. An element of renewables is desirable if additional credits are to be achieved under the Code for Sustainable Homes (under Ene7 – Low or Zero Carbon technologies).

Achieving Code 3 of the Code for Sustainable Homes is also a realistic target for the proposed scheme. The Housing Corporation Standards already require affordable housing to be constructed to this level and there is no reason why open market units should not meet the same standards. The Code for Sustainable Homes addresses other issues regarding sustainable living not addressed in Policy ENG1 of the Regional Plan.

Both measures are considered necessary to achieve the desired level of sustainable construction. The LPA would have discretion to approve condition 12, if it is satisfied that the methods employed by the developers are satisfactory to address its sustainable construction concerns on an individual plot basis.

Circular 05/2005 (Planning Obligations)

The Secretary of State's policy and guidance on the use of planning obligations is set out in Annex B of Circular 05/2005. This policy clearly comes into play when an application is considered or an appeal is made in terms of the determination by the local planning authority or the Inspector as applicable..

The Secretary of State's policy stipulates, amongst other factors, that planning obligations are only sought where they meet **all** of the following tests. A planning obligation must be:

- Relevant to planning;
- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development; and
- Reasonable in all other respects.

The footbridge improvements proposed in this report are clearly relevant to planning.

The planning and highways advice, from Borough and County officers, is that such works are properly required to make the development acceptable in planning terms.

As the improvements also have a clear geographical link with the development they are deemed to be directly related to the proposals.

It is reasonable for the local planning authority to request that a developer pay for or contribute to the cost of all or part of the additional infrastructure provision that would not have been necessary but for their development. The improvements should not, however, be disproportionate to the development that is to be undertaken and should not be utilised to address existing deficiencies in infrastructure provision.

In carrying out their decision-making function, Members need to be mindful that the Kent's Avenue footbridge is an existing piece of infrastructure which serves as a pedestrian link to the Manor Estate. In its current state it is capable of use by a significant proportion of the population of both the existing and extended Manor Estate.

In terms of the practicalities of improvements that may be undertaken to the bridge and the associated cost of such works, Hertfordshire County Council have used their expertise to assess the highways issues and concluded both that improvements which can reasonably be required are as set out earlier in this report and that the contribution sought would cover the relevant costs. The execution of bridge works to a DDA standard is outside Network Rail's own responsibilities. The cost of transferring the bridge to the County as a result of additional works is disproportionate when compared, in context, to the benefits that would be achieved through an improved design of the existing bridge.

Implications of Refusal

Housing Supply

The Dacorum Borough Local Plan 1991-2011 requires the provision of 7,200 new dwellings for the Borough between the 1st April 1991 and 31st March 2011 in accordance with Policy 14. The provision of 1,250 affordable housing units will also be sought in the Borough between the 1st April 2001 and 31st March 2011 in accordance with Policy 20.

The Manor Estate development would provide 325 residential units towards the overall housing land supply and would provide 114 affordable housing units. As such the site represents a significant proportion of the overall supply and is critical to the supply of affordable housing within the Borough. The site is one of the few large sites allocated for housing from which significant S.106 benefits may be accrued.

The Annual Monitoring Report 2007/08 (AMR) indicated that the average annual rate of housing supply was 351 dwellings per year, which was marginally below the Local Plan target of 360 dwellings per year. The securing of a current stock of planning permissions to meet this target is important if such progress is to be maintained and allocated housing sites are fundamental to such supply

The housing trajectory within the AMR further illustrates that the average annual housing completions rate has to increase by more than double to meet the Regional Spatial Strategy housing target of 680 dwellings per annum. The importance of securing permission on allocated sites is exacerbated by this higher requirement for housing delivery.

A failure to secure planning permission for this site would not only have significant adverse implications for the implementation of the Dacorum Borough Local Plan 1991-2011, but would also seriously undermine other strategic housing targets as required by both national and regional planning policy.

In accordance with PPS3, the Council is required to demonstrate that there are specific sites to deliver a five year supply of housing. Using the Strategic Housing Land Availability Assessment (SHLAA) there would be a shortfall against the five year housing supply of approximately 0.6 years (2009/10 to 2013/14). The Council would thus already have difficulties in demonstrating the required availability of housing sites leaving itself vulnerable to speculative developments on less appropriate sites, a planning by appeal process and the release of further Green Belt land.

The SHLAA assumes the delivery of allocated housing sites within its calculations and as such the non delivery of an allocated site will further reduce the overall supply of housing. This would have the knock on effect of requiring additional sites to be identified to fill the gaps in the housing land supply. The logical alternative to a requirement for additional land within the Green Belt to be considered for housing would be greater pressure for provision of sites with higher residential density.

Appeal

If an agreement cannot be reached on the appropriate heads of terms to be applied to this application it is clear that there will be an appeal in relation to this site.

Circular 08/93 (Award of Costs Incurred in Planning and Other (Including Compulsory Purchase Order) Proceedings) makes it clear that local planning authorities are at risk of an award of costs against them, on appeal if, amongst other matters, they:

- Fail to provide evidence, on planning grounds, to substantiate each of their reasons for refusing planning permission, including reasons relying on the advice of statutory consultees, and
- Pursue unreasonable demands or obligations in connection with the grant of planning permission.

Members should note that the footbridge improvements are not required by Hertfordshire Highways. A refusal on access grounds would therefore not be supported by the statutory consultee in this area of expertise.

Demands for additional improvements to the bridge, as a planning obligation, are considered as unreasonable or unduly onerous in view of the positions of Network Rail and Hertfordshire County Council. It is not possible to provide a DDA compliant bridge in this locality

Conclusions

Officers would emphasise that the issue before Members is whether the access arrangements

as now proposed are appropriate for these sites, as the principle of the allocation of the site has been properly established and remains valid and, indeed, essential, to avoid highly problematic alternatives, in planning terms. The critical points in the consideration of this issue are therefore as follows:

- Network Rail, the owners of the Kents Avenue footbridge, will not permit anything more than the works to the structure identified above;

The County Council as Highway Authority could not accept a transfer of the bridge and, significantly, have confirmed the proposed works are those works which are reasonably required and that the contribution to secure them is appropriate;

- It is not possible to provide a DDA compliant bridge in this locality;
- The provision of a DDA compliant bridge was not highlighted as necessary by the Local Plan Inspector, who looked at a range of accessibility points and reached his ultimate conclusion accordingly;

The Inspector's Report dates back to 2002 and matters have in any event moved on as set out in detail above.

The provision of a DDA compliant bridge cannot be justified in terms of Circular 05/05;

- The proposed development will deliver commensurate improvements to the existing footbridge and other improvements to sustainable transport measures
- The overall package of planning obligations will deliver substantial benefits to the local community.

RECOMMENDATIONS

1. That determination of the application be **DELEGATED** to the Development Control Manager with a view to approval, subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

2. That the Heads of Terms for the planning obligation be as set out in the reports to the Development Control Committee of the 29th of June 2006 and the 15th of January 2009 except for an amendment through the deletion of:

- "improvements to existing pedestrian and cycle links including improvements to the Kents Avenue

and its substitution with:

- "a sum of £100,000 towards the improvement of the Kents Avenue railway bridge or, in the case that such sum is not spent in its entirety on the bridge, that any remaining monies are spent on additional sustainable transport measures within Apsley"

Suggested Conditions

Please note that these conditions may need to be amended or added to subject to the receipt of additional information from the applicant and/or further comments from any Statutory Consultee.

DCC COMMITTEE - 15th January 2009

NA

DCC COMMITTEE – 29th June 2006

4/02419/04FUL. RESIDENTIAL DEVELOPMENT COMPRISING 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN).

LAND ADJACENT TO THE MANOR ESTATE, HEMEL HEMPSTEAD.

APPLICANTS: JS BLOOR (SUDBURY) LIMITED.

[Case Officers: Andrew Parrish and Robert Freeman] [Grid Reference: TL0532 04924]

SUMMARY

Summary of reasons to grant:

The site is allocated in the Local Plan as a Housing Proposal Site under TWA3 and TWA4. Residential development of about 300 houses is therefore accepted, together with the provision of open space, landscaping and other community benefits as set out in detail within the adopted Manor Estate Design and Development Brief. The Development Control Committee resolved to delegate the grant of outline permission for residential development on this site (4/02329/04/OUT) on 10 March 2005, subject to a s.106 agreement. The agreement is awaiting completion.

Full planning permission is sought for the erection of 325 dwellings on the site, together with the provision of open space, landscaping, footpath links and associated highway works. An environmental statement was deemed not to be required for this development on 5 October 2004. The Highway Authority has previously concluded that the proposed means of access, and various highway improvements will accommodate up to 340 dwellings without harm to the surrounding highway network.

The density of the proposed scheme equates to approximately 36 dwellings per hectare which is considered to strike a reasonable balance between the current density of the Manor Estate, its urban fringe location and the requirements of central government to make best use of land. This accords both with PPG3 advice and Policies 10 and 21 of the Local Plan.

The proposed layout of the extension to the Manor Estate closely follows the master-plan layout adopted in the Manor Estate Design and Development Brief. The number of dwellings can be satisfactorily accommodated on the site without detriment, and the design and layout would respect the existing Manor Estate. There would be no harm to adjoining residential amenities. The proposal would accord with Policy 11 of the DBLP.

The provision of 35% affordable housing will form a significant proportion of the required annual supply (91%) in the district and is considered to provide a suitable compromise between the desires of local residents and the overall aims and objectives to supply a larger proportion of affordable housing. The distribution of the affordable housing in five areas is considered an acceptable compromise between the interests of social inclusion and the issues of maintenance and management by the RSL.

Subject to a suitable management plan and landscaping proposals, as required by the Development Brief, the provision of open space is considered acceptable. The development would have a satisfactory relationship to existing trees. The major ecological issues emerging from the application can be dealt with by condition.

The provision of a bus gate will act as an effective traffic management tool to limit access from King Edward Street to 84 units. The diversion of public footpath 73 will be secured around the perimeter of the application site. Subject to the comments of the Highways Authority, estate access is considered satisfactory and car parking is in accordance with PPG3 and adopted standards in the Local Plan.

Sustainable drainage methods would be adopted and the development would make efforts to minimise the use of energy through renewable energy sources and energy conservation measures. An Energy Consumption Statement indicates a 23% reduction in CO2 emissions as against conventional technologies and building methods.

In accordance with the submitted air quality assessment, whilst overall CO2 emissions would rise, the impact on air quality from the houses would be below EU limit values. The likelihood of smell nuisance from the proposed pumping station is considered to be low and any responsibility for offensive smells will fall to the adopting sewerage authority.

The developer has agreed to make financial contributions, inter alia, towards engineering works on the school site, to fund a school bus service, to help subsidise the running of a public bus service, for medical services in Apsley, for community facilities and to help subsidise local shopping in Apsley centre. These benefits would be secured by legal agreement.

BACKGROUND

This application was reported to the Development Control Committee on 5 June 2006. Members resolved to defer the application for the following reason:

To enable additional information to be provided and the provisional conditions to be finalised.

In addition, during the discussion at Committee various issues were raised which need further clarification:

- Acceptability of number of dwellings proposed. Whether a figure of 300 is a ceiling limit.
- Design, blank gables, height and frontage development.
- Garden sizes.
- Reserve site.
- Featherbed Lane bridge.
- Pumping station.

REPRESENTATIONS

The following matters include those reported as late items at the last meeting of the Development Control Committee and the latest advice.

Additional information submitted on behalf of applicants:

I refer to your query regarding the number of units to be served by the proposed foul pumping station on the aforementioned site. I can confirm that approximately 25% of the units (i.e the units that lie on the lower reaches of TWA4) will utilise the pumping station.

In addition please note the foul discharge for the remainder of the TWA4 will be distributed between the spine road sewer and existing sewers within the manor estate.

Hertfordshire Biological Records Centre:

Amended plans, ecological surveys and badger report:

Based upon the issues raised in our previous views, we would like to make the following comments;

- This application continues the considerable work undertaken to date, following the guidance as set out within the Development Brief. Whilst the development limits significant wildlife gain, the intention to 'protect and manage the ecological diversity' is still a key feature given the quality of life benefits this can bring. The results of this process as presented within the amended plans and ecological report continue to improve on the approach to biodiversity, although some further detailed work is required.
2. The July 2005 ecological survey by James Blake identified TWA fields 3 and 4 as being the best, consistent with previous surveys including HBRC, and confirms that the quality would now meet Wildlife Site status, probably a reflection on the fact that this area has been reasonably well grazed, and had been left to grow at the time of the latest survey. Indicator plants include Common bent, Oxeye daisy, Sweet vernal grass, Birds-foot-trefoil, Meadow vetchling, Meadow buttercup, Agrimony, Common sorrel and Black knapweed. Although the criteria for WS had not been developed at 1996 when HBRC originally surveyed the site, if large areas of reasonable quality grassland do remain, these should be considered for translocation. Proposals for where and how this should be achieved have been discussed with James Blake and we are awaiting a method statement which outline the extent of material to be translocated, how and to where. It is considered impractical to attempt to secure any conservation in situ. Use of the former school reserve site may also need to be considered.
 3. Extra planting adjacent to the eastern half of Home Wood has been removed. The woodland/grassland boundary is generally ecologically valuable and the encroaching scrub represents a locally valuable feature but will require management in due course. Management Plans for the whole wood (both eastern and western sections) and adjacent scrub still need to be provided which outline specific work proposals and a timescale, and James Blake have been made aware of this.
 4. Details for the species to be used on the wildlife corridor for Home Wood should reflect the best habitats presently found on site, namely the species rich grasslands and hedgerows. We understand this has been recognised and appropriate species/wildflower mixes will be used in these areas.
 5. (i) We acknowledge that the latest development design is a considerable improvement in retaining the integrity of the main hedgerow leading south west from the Manor Estate. Local hedges in places are particularly characteristic in largely consisting of mature hazel with some cherry and ash standards. We have highlighted that compensatory planting for hedgerow sections to be lost elsewhere should reflect this.
(ii) Appropriate hedgerow management also needs to be outlined to ensure that these features do not become over-mature and degrade over time. The adjacent Featherbed Lane feature also needs to be included as it will require management in due course. We suggest this is provided with a map outlining simple management for hedgerow resources of the whole site.
(iii) Previous landscape designs for formally spaced standard trees have now been slightly modified where appropriate to create clumped/random character reflecting a more semi-natural formation. This creates more of a rural feel of hedgerow trees and is more consistent with the statement that 'residential streets fronting or adjacent open space areas will be more rural in character' (5.0 Hard Landscape Strategy)
(iv) Details need to be provided for fruit tree proposals, which we support given the loss of orchards within the county.
 6. Buffer zones and their management/enhancement are a feature of the proposals. However, the opportunities for this need to further researched. For example, the extent of tree canopy

cover will severely inhibit the establishment of an open grassland strip adjacent to Shendish. The Landscape Framework maps need to be modified to reflect this properly. We understand that bulb planting has been removed where inappropriate within wildflower grassland.

iii) Trees proposed for the grassland adjacent to Home Wood have been removed to enable this area to be more easily recognised and managed as an open meadow.

7. The land management statement provides background intentions but needs to be improved to outline specific prescriptions for management, similar to the woodland plan requirements. We would also like to see the production of a clear recreation/land function map to show how the open land within the site is to be used. This could be achieved by showing features where ecology or recreation is the primary use. Simple maps showing grassland, hedgerow and woodland management could be prepared separately for ease of understanding if this is considered appropriate.
8. We would welcome further clarification regards:
 9. Specialist Consultant Reports as detailed within 4.1.1 of the Management Plan. We do not consider it appropriate for an adopting authority to pay for such advice on a regular basis.
 10. Amenity grasslands and meadows should be described separately as their creation, renovation, repair and management will be quite different. Unless there is a serious infestation of docks, thistles or nettles etc. We would expect weed control in the wildflower grasslands. Section 4.2.5.1 outlines cut grass and other vegetation maintenance, but this does not include management for wildflower areas. The management proposed is not appropriate for wildflower grassland and further guidance is required.
11. We note the recent badger survey report and acknowledge its findings and recommendations. The approach proposed appears reasonable in the circumstances although there will be a loss of foraging and a significant increase in adjacent disturbance. The sett location within the grounds of Shendish may limit the overall impact, and there will still be direct access to open countryside as well as Home Wood via the corridor along the boundary of the Manor Estate site.

We would expect that the issue raised above will be addressed with continued liaison with James Blake, and if this is acceptable to the local Authority we raise no objection to the approval of the application.

Hertfordshire and Middlesex Wildlife Trust:

Having looked at the new plans for the development and note that the badger report stated that the badger sett in Cocks Head Wood, the nearest hole to the boundary, was 20 metres away. The sett I know nearest the entrance hole is around 2.5 metres from the boundary. I am willing to show this sett to James Blake Associates if they contact me. Licences will be required to work close to the sett.

Within 30m – heavy plant

Within 20m – light plant

Within 10m – by hand

Response from JBA Ecologist

We conducted a further survey with the Badger group yesterday (13/06/06) and were unable to locate the sett referred to. The nearest sett was indeed the one identified by our previous works 20.5m from the boundary. We checked the outlying sett that we located (approx. 40m from the boundary) and found that this was not recorded on the badger groups mapping records. The badger group has updated the records accordingly and will confirm the above matters.

Environmental Health

We have no objections in principle. However I understand that there has been no mention of noise from the main line train tracks. From the drawings the façade of the nearest properties is some 30m from the tracks. A simple inverse square calculation suggests a level of >60 dB at the façade. Whilst this does not take account of any reflections or absorption of acoustical energy across the intervening land it should be a consideration when the fabric of the building is considered. Accordingly I do not consider it unreasonable to ask the developer to carry out an assessment of noise having regard to PPG 24 and its recommendations.

Housing

After reviewing the revised plans the Housing Department would support the mix and location of affordable housing units. It will be important to phase the delivery of housing in the S.106 so that dwellings are delivered as soon as possible.

Local Residents

The occupant of 4 Kennel Cottages raises the following points:

- i) Asks the tree officer to contact Kennel Cottages residents regards trees/bushes abutting these properties,
 - ii) The badger assessment is incorrect in referring to the nearest sett entrance being 20.5m rather than 2.5m. In consequence a licence will be required,
12. This raises questions regarding the impartiality of other reports.

CONSIDERATIONS

Conditions

For information, the power to impose conditions on a Planning Permission is conferred by sections 70(1) and 72 of the Town and Country Planning Act 1990. Under s.70(1) the planning authority are empowered to impose "such conditions as they think fit" when granting planning permission, and that power is supplemented by s.72.

Advice on the use of conditions in planning permissions is provided in Circular 11/95. This advises that the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission.

The Circular includes an appendix which sets out a list of suggested model conditions.

The imposition of conditions on a planning permission is part of the normal planning process. It is not the case that full information on detailed matters, such as materials, is necessary before planning permission is granted. In some cases, Local Planning Authorities (LPA) can be in a stronger position in terms of enforcement if pre-commencement conditions are imposed, rather than trying to predict all likely outcomes during construction works on a large and/or complex scheme. By requiring details to be submitted, the LPA is ensuring it exercises control over how the development is taken forward.

It is still, therefore, recommended that planning permission is granted subject to a number of conditions requiring the submission of further details. However, the recommended conditions have been revised since the last Committee meeting. Where possible conditions have been amended to refer to specific information submitted. Comments on pre-commencement conditions matters are set out below.

It would be possible for the Members to require details submitted to discharge conditions precedent to be referred to the Development Control Committee for approval.

Phasing

Given that the development is likely to be built out over a number of years, it is not unreasonable to request details of phasing to enable the implementation of various parts of the development such as the landscaping, roads and parking in relation to the occupation or completion of particular areas (or phases) of the development. As the developers have not prepared their programme for the development of the residential part of the site, it would be unreasonable to request this information at this stage and would also not allow for any flexibility. It is therefore reasonable that this be the subject of a condition.

However, the applicants have stated that it is their intention to commence works at the top of the application site with some initial levelling works to the Lower Field.

Drainage

The requirement for the pumping station was first mentioned in MJA Consulting's Appraisal of Drainage Issues dated September 2004, submitted with this application in October 2004.

It is not possible to detail all the drainage works at this stage in the absence of a finalised layout as without the grant of planning permission the developers will not wish to commit financially to a detailed scheme of drainage and other infrastructure works. Furthermore, such detailed work would be unreasonable without such permission. The pumping station is to be constructed in accordance with Sewers for Adoption and to be transferred to Thames Water. The majority of the works are below ground, although a kiosk is required, together with a protective compound. In accordance with the wishes of the Development Control Committee, this can be screened by landscaping (see page 35 of the previous agenda). The submission of a detailed landscaping scheme for approval is recommended by condition. Details of drainage are recommended to be approved by condition, including details of measures to control smell and noise nuisance arising out of a pumped system.

Archaeology

It should be noted that a number of archaeological investigations have already been carried out on the application site. These have resulted in limited findings. A standard monitoring condition is required for the site in accordance with the requests of the County Archaeologist. The condition is necessary to ensure the ongoing implementation of archaeological work on site for the duration of the construction. It should be clear how this monitoring is to occur prior to the commencement of the scheme.

Landscaping

There are three conditions relating to the provision of landscaping works within the application site. These conditions are not unusual and will need to be applied in order to ensure both tree protection and the implementation of a landscaping scheme.

The application is accompanied by a detailed statement of landscaping works and plans illustrating the works to be carried out within the adoptable areas of public open space. A significant amount of work has already been prepared on a landscaping scheme for the site and there is nothing outstanding that will affect the overall layout of the development. Further negotiation on the precise details is ongoing with the applicants' consultants, James Blake Associates. Although Officers will continue to work to finalise the landscaping for the adoptable areas, it is not considered necessary at this stage to require full details of species, size, density, mulching, fertiliser rates, implementation programme and so on.

Materials

Whilst a broad list of materials to be used on the development has been submitted, it is not considered unreasonable to request samples of materials to be used prior to the commencement of development. This is common practice upon residential schemes and such conditions are modelled upon those given in Circular 11/95. Materials may have gone out of production when the developers come to build the dwellings and this is a further reason why it would not be reasonable to approve materials at this stage, only for them to need further approval two years down the line. A condition is reasonable and necessary.

Whilst the design of the dwellings shown on the submitted floor and elevation plans is considered acceptable, the appearance of a development can be strongly affected by the design and appearance of the fenestration, colour, materials, set back and fascia/barge boards. As typical details are not shown, it is reasonable to request further information for approval pursuant to a condition. As this detail does not affect the principle of the development, it is not

considered necessary to request this information at this stage.

Elevational details of the footbridge have not been submitted because the details have not been finalised with Network Rail. The design and appearance is unlikely to affect the principle of the bridge and therefore it is reasonable that such details can be reserved for future consideration as a condition.

Construction works

The developers have not finalised the precise phasing of the development. Given the above, the location and type of wheel washing facilities are as yet unknown and therefore it is reasonable that details be provided pursuant to conditions.

Levels

Sufficient information has been submitted to enable assessment of the site levels in relation to neighbouring properties and Officers are satisfied that there would be no material harm. This is clearly illustrated by the street scenes and cross-sections submitted with the application and contained within the plans booklet. Further information on site levels is not currently available. It is necessary to gather such information prior to the commencement of development to ensure the precise position of dwellings within the application site in relation to each other, to adjoining land and to trees. It is considered reasonable to supply this information by condition and such conditions are common practice in accordance with Circular 11/95. It would be unreasonable to require the developers to supply such detailed information at this stage. Even if levels were provided at this stage, a condition would still be required to ensure compliance and to allow for variation in accordance with detailed site conditions that may be found after construction begins.

Sustainability

The design of sustainable units is a complex matter, requiring detailed construction plans. Such detailed matters are considered onerous and unreasonable at this stage of the planning process, where there is no guarantee of planning permission being granted and where the developer may not have finalised construction techniques or service/infrastructure requirements. A condition on this issue is considered to be the most appropriate response, particularly as the implementation of such matters may need to be controlled. This is consistent with the approach adopted on other applications. It is recommended that a detailed property schedule listing methods used per property needs to be applied. Providing this meets the proposed 23% improvement in CO2 emissions as set out within the energy consumption statement and the measures do not adversely affect the street scene, Officers would consider such measures to be acceptable. It should be noted that the provision of renewable energy and sustainable drainage was never a specific requirement of the development brief, albeit it is implicit in Government guidance and now a requirement of the development plan.

The Energy consumption statement submitted with the application does indicate a reasonable level of energy saving technologies to be used in the scheme contrary to the suggestions of the Development Control Committee, and as noted on pages 32 and 33 of the previous agenda. It is, however, difficult to understand (being a technical document prepared for building control requirements) and quite unspecific. It does indicate measures to be used which cannot easily be shown upon plan (for example the use of timber frames, condensing boilers etc), particularly at the level of detail expected from planning applications. Indeed many appropriate methods may fall within the expertise of building control rather than planning, being related to the construction and internal fabric of the building (for example insulation).

Planning applications should be determined in accordance with the Local Plan unless material planning considerations indicate otherwise. It should be noted that Local Plan policy indicates

no clear or measurable requirements. As such a very strict approach to Eco-homes is difficult to apply and is unlikely to be considered favourably should an appeal on the issue arise.

Affordable housing units are required by housing associations to reach a Very Good Eco-homes rating and as such they are reasonably sustainable by definition. There are maintenance issues associated with more radical energy saving and renewable energy techniques and the housing associations may be reluctant to use them upon a significant element of the housing to be provided, particularly the flats where there may be issues of individual occupant control. This also limits the scope for further improvements on the scheme.

Swan-neck

Although no neighbour objection has been received, the design of the swan-neck and its relationship with 8 Manorville Road is of some concern, hence the requirement for a specific condition upon this issue. It is likely to be affected by a number of other conditions including those of levels and landscaping. There will be a requirement to significantly screen this property and those at the lower end of Manorville Road by landscaping, earth mounding and/or fencing to prevent the overlooking of these dwellings from the highway. It is clear that some form of screening would physically be possible and the applicants have indicated a commitment to address this issue. However, the precise method has not at this stage been submitted. It is likely to be a combination of level changes, landscaping and fencing and the developers have indicated that they may wish to approach the adjoining owner with a view to agreeing the best way forward with them. In the circumstances, it is considered that details can be agreed pursuant to a condition. It should be noted that the principle of the swan-neck has already been accepted in consideration of the outline planning application.

Refuse and cycle storage, means of enclosure

The layout of the individual flats shows bin and cycle storage areas integral to or within the curtilage of these blocks. These are considered adequate for their purposes and acceptable in design. However, further information should be submitted detailing the means of securing individual cycles and a condition is considered a reasonable vehicle for securing this information. An implementation clause will be required together with a stipulation that the cycle stores be fitted with lockable doors.

Whilst means of enclosure has been shown on the layout plans, and the design code shows typical examples of what designs are envisaged, the provision shown on the layout plans is somewhat inconsistent and/or absent. Full details of design, materials and colour should be submitted for approval. However, the lack of such information on a plot by plot basis at this stage is not considered a justifiable reason for refusal as the information can reasonably be requested as a condition, in common with other applications.

Ecology

Two conditions are recommended requiring the submission of further details relating to the translocation of grassland and the accommodation of protected species within the development. These conditions are considered necessary and reasonable. It is not necessary to the grant of permission to require these details at this stage.

Management Plans

Whilst the submitted Management Plans have not been considered acceptable to the Trees and Woodlands Manager or Parks and Open Spaces Manager, the provision of a Management Plan remains a requirement of the s.106 agreement and therefore the Council will still maintain control as it will not adopt the areas unless and until suitable management plans have been prepared for the open spaces. Consideration of the application is not dependant upon full

details at this stage and Trees and Woodlands Manager and Parks and Open Spaces Manager have not indicated that the absence of such information at this stage would be a reason for refusal.

Other

Conditions are recommended to require a noise protection scheme to protect the dwellings from the railway line as recommended by Environmental Health and a scheme of crime reduction measures as recommended by the Police Architectural Liaison Officer. The remaining 10 conditions are purely instructive.

Number of Dwellings

The number of dwellings proposed falls within the lower limits of the density requirements stemming from PPG 3. This may well be in excess of the number of units referred to within the Local Plan and Development Brief. However, the figure of 300 units is not a ceiling limit. The figure is an estimated net capacity.

It was not possible to refer to a precise figure in these documents, as such matters would be determined by layout and house design. Furthermore, it is clear that 300 units would not meet density specifications and a failure to meet such requirements of PPG 3 would be likely to prove unacceptable to the Department of Communities and Local Government. The site is considered capable of accommodating the 325 dwellings proposed within this application without significant harm to the character and appearance of the scheme or its surroundings.

Design and Layout

The design and layout of the dwellings has been the subject of considerable negotiation between the developers and officers, including statutory and non-statutory consultees, over the last 18 months. Officers are satisfied that the result will be a very high standard of development that will not appear bland, monotonous or cheap. Whilst the development includes a number of Bloor Homes 'standard' house types, all of the flats and a number of the house types are bespoke designs for this specific site and many of the 'standard' house types have been amended to take account of concerns about active frontage and surveillance.

The key concerns of the Committee appear to relate to the number of units reflecting a perceived inadequacy of rear garden depths and open space, blank flank elevations, height and siting of the proposed properties.

An analysis of these points is sets out below.

Garden Sizes

An analysis of the rear gardens has been supplied by Richard Boast Associates to address Members' concerns on this matter. This shows that the majority of gardens, which fail to meet the average garden depth are associated with small residential units. Furthermore such units are only marginally below the prescribed threshold (i.e. within 1m - 1.5m) in the majority of instances. Full details of garden depths are attached in a schedule of accommodation in the plans booklet. It should be noted that Appendix 3 of the Local Plan states that such reduced depths are acceptable in a variety of circumstances and may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity to open land, public open space or other amenity land. Such land forms a significant proportion of the application site and all properties are within 120m of public open space. In these circumstances, there would be no grounds for objection to the size of gardens nor would this be indicative of a particularly cramped scheme. Separation distances between properties remain at the accepted standard.

Open space within the site equates to some 10 hectares of land. This actually exceeds the area covered by residential development and as such criticisms regarding the adequacy of open space are unjustified.

Blank Gables

In total there are 17 blank elevations within the scheme. Only a modest proportion are considered to be in important locations within the public domain (5) and it is questionable whether it would be appropriate to change these elevations. As such, there are no significant blank elevations within the development. This fulfils the requirement of the Development Brief to provide appropriate active frontage and surveillance of public areas in accordance with Secure by Design objectives. The introduction of further fenestration to flank elevations would cause issues of overlooking in some cases.

Height

Members are referred to the height plan within the plans booklet. This shows that the majority of the site is covered by two storey development (or development of standard two storey height incorporating rooms in the roof) in accordance with the Development Brief. It also shows the higher development to be sited well away from site boundaries where it would not cause harm to surrounding residential properties. Higher development is encouraged along the spine road through the Development Brief to create focal buildings and diverse street scenes and also next to the railway line. Such development is considered to compliment the design and appearance of the scheme.

The general appearance of the properties has been complemented by both the Architects Panel and case officers. This reflects the detailed negotiation that has occurred over the previous 18 months or so and the scheme has been amended to address detailed criticism of the scheme set out in a letter to the applicants dated 9th March 2006. It is considered that the substantial amendments have addressed any issues regarding design.

Frontage development

Some criticism was made at the Committee with regard to the layout of dwellings being close up to the back edge of pavement and having a rather severe appearance. It is true that front gardens are generally modest. However, this closely reflects the desires and aspirations of the development brief to create a series of dynamic and static spaces (see page 12 of the previous agenda) with concentrations of development along the main routes, particularly the avenue/designated bus corridors, and at focal points. The focal squares, in particular, have been purposely designed with development close up to the frontage to create a strong sense of enclosure. With regard to building lines, the development brief states that:

“building lines must be consistent with a minimum of breaks and setbacks. The building line may be set back from the back edge of the pavement to define a small semi-private space in front of ground floor windows. However, in order to achieve acceptable enclosure ratios, particularly where two storey development is proposed within the inner blocks, some building fronts may be contiguous with the back edge of footways.”

Continuous frontage development in places (the perimeter block principle) with well defined and robust boundaries is a feature of the layout which again reflects the requirements of the development brief to achieve the higher densities required within the higher density character areas. Other important advantages, as set out within the development brief, are:

- infrastructure efficiencies,
- concealment of garaging and car parking from the general street scene,

- reduction in traffic speed,
- the creation of intimate and attractive residential areas with a sense of place,
- a clear sense of stewardship with no ambiguity over ownership,
- a defensible, secure and 'self policing' environment where 'dead' areas are avoided,
- active frontage to encourage safe walking and/or cycling.

Reserved Site

The reserved site is currently illustrated as an area of public open space upon the application plans. Any application for the use of this site would have to be judged upon its own merits.

The LEA does not want the reserved site for an expansion of the school in view of surplus school capacity within the borough and the impending review of school accommodation. The committee has suggested that this land be transferred to the Borough Council as a head of term to the section 106 agreement.

The landowners are unwilling to transfer this land to the Council. Furthermore, Community and Leisure have advised that their Service does not wish to acquire further land to build community facilities on as its role is generally as enabler rather than provider (Dave Gill – Community and Leisure). Whilst it is understood there is a town-wide need for certain community facilities, nothing specific has been identified for the Manor Estate area. Reference was made at the last Committee meeting to the community room that was provided as part of the Apsley Mills development. Whilst a lease was agreed as part of the s.106 agreement for that development, it was only possible because the unit concerned was identified. In this case there is no specific proposal in mind, and without this it would be difficult to draw up a similar agreement.

Officers have negotiated a substantial package of community benefits as a result of this application and this includes an option to buy back part of the reserved site for the provision of a community facility if necessary. It should be noted that this is only if a specific need is identified such as a Church group or other local community organisation, where the group itself could fund any development. In lieu of this, the developer has offered £150,000 for community uses and a further £300,000 for the funding of a school bus service as required by the LEA (see Heads of Terms). Such benefits could be substantially reduced should Members be minded to request the reserved site with a likely reduction in either affordable housing or monetary sums for community facilities. Members are advised that Officers consider these benefits to outweigh those that may be attributed to the acquisition of the reserved site. This view is based on existing shortfalls in affordable housing supply and knowledge of maintenance requirements or improvements for existing community facilities. It is also considered that requirements for 'Extended Schools' (those being schools open for community use outside of school hours) are likely to influence the function of and requirement for community centres such that the interests of the Council and local community would be better served. A monetary contribution could also be distributed to several community projects thereby benefiting more people.

Featherbed Lane Bridge

The provision of a new bridge is still an important part of the scheme and the developer is still keen to provide this as soon as possible within the implementation of the scheme. Precise timings are however difficult to determine in view of possession requirements with Network Rail which lie outside the applicants' control and this is acknowledged by the Highway Authority such that a degree of flexibility is allowed. As such a number of safeguards are provided in accordance with the Heads of Terms. This requires a sum to be submitted upon the substantial completion of the 50th residential unit upon the site which would allow the bridge to be completed by the County Council should the developer have insufficient funds to complete the scheme or otherwise goes into liquidation. As currently drafted within the section 106 agreement attached to the outline application this would also prevent the developer building additional units without the bridge being in place at this point. Nevertheless, it should be

remembered that the Highway Authority have advised that the interim traffic light solution would provide sufficient highway capacity for up to 340 units.

RECOMMENDATIONS

- (1) That the application be **REFERRED** to the Department for Communities and Local Government in accordance with the Town and Country Planning (Residential Development on Greenfield Land) (England) Direction 2000.
- That, in the event that the Department for Communities and Local Government does not intend to determine the application, determination of the application be **DELEGATED** to the Development Control Manager with a view to approval, subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
- That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:
 - The provision of 35% (114 units) of affordable housing comprising a mix of 72 rented and 42 shared ownership units;
 - (2) A phased scheme of implementation for the affordable housing units;
 - (3) A financial contribution of not less than £150,000 towards the provision of a GP surgery at London Road, Apsley, Hemel Hempstead;
 - A financial contribution of £50,000 for the provision of facilities associated with the development of Two Waters School;
 - A financial contribution of not less than £300,000 for the funding of a school mini-bus service to bus children to and from other schools off the existing and extended Manor Estate;
 - A financial contribution of not less than £50,000 per annum for the first five years for the provision of a public bus service to serve the new estate;
 - A financial contribution of not less than £150,000 for community facilities, with the option of paying back £75,000 in exchange for land on part of the reserve school site for the provision of a community facility;
 - The provision of a local shop, if required, and payment of £25,000 in equal sums over five years to underwrite the economic viability of a local shop with the balance of any monies unspent to be spent on community facilities, otherwise a single sum of £25,000 to be spent upon community facilities;
 - The provision of surface improvements to the 'snickets' on the existing Manor Estate subject to the agreement of residents and landowner(s);
 - The temporary relocation of the existing LAP during the period of relevant construction;
 - The provision and transfer to DBC of properly landscaped and equipped public open spaces including a neighbourhood open space, LAPS, LEAPS and NEAPS together with the Green Corridor;
 - A financial contribution towards the ongoing maintenance of the public open spaces, landscaped areas, equipment etc;
 - The preparation and transfer to DBC of land at Home Wood (both sides of Featherbed Lane) as public open space;
 - A financial contribution towards the ongoing management, planting and maintenance of Home Wood;
 - The production of a properly costed and detailed Management Plan for landscape design, ecological improvement and future management of all the public open spaces, landscaped areas and equipment that will be adopted by DBC including access and management arrangements for Home Wood;
 - A financial contribution of £3000 for community planting projects on the Manor

Estate extension and/or Home Wood and/or other sites to be determined.

- The provision of off-site tree planting adjacent to Two Waters Way;
- A financial contribution of £7,500 for the provision of public art within the development area;
- A financial contribution for library facilities;
- The provision of fire hydrants;
- The provision of a footpath Diversion Order to divert public footpath 73 including the creation of a definitive Right of Way along the Green Corridor on TWA 4 (including a link at the end of Manorville Road) and into Home Wood from TWA 3;

The provision of Highway Works to include, but not be limited to:

- Modifications to the existing junctions of Featherbed Lane/London Road and London Road/Orchard Street;
- The construction of a new railway crossing at Featherbed Lane, including pedestrian footway and the realignment and widening of Featherbed Lane;
- The relocation of the junction of Featherbed Lane and King Edward Street;
- The construction of a roundabout in close proximity to the A41 overbridge;
- The construction of a controlled bus link through the site;
- Improvements to the existing pedestrian and cycle links including improvements to the Kents Avenue railway bridge;
- The provision of an interim solution of a traffic light control at the junction of King Edward Street and Featherbed Lane pending the completion of the new road bridge;
- The lodging of a 'bond' with the Highway Authority, if required, pending the completion of all relevant highways works and access improvements, to apply at the substantial completion of the 50th dwelling should the road bridge not have been completed at this stage;
- Regulation of construction traffic along King Edward Street during the period of construction with Featherbed Lane (near the A41 overbridge) the key point of access to the site;
- The provision of appropriate maintenance payments for traffic signals, signs, supervision fees and other requirements as may be determined including new signage to Durrants Hill Road car park (TWA 11) and new parking bays to London Road where possible.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of the development hereby permitted a plan showing how the development will be phased and implemented shall be submitted to and approved in writing by the local planning authority. The phasing plan shall show each separate phase of development and provide details of start and completion dates. The development shall then be carried out in accordance with the approved phasing details, unless the local planning authority gives its written consent to any variation.
3. Prior to the commencement of the development hereby permitted samples of the materials (including sample panels showing brickbond, mortar colour and pointing) to be used in the construction of the external surfaces of the development hereby permitted (including boundary walls) shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

4. Unless otherwise approved in writing by the local planning authority, all window frames shall be finished white and recessed 90 mm from the face of the elevation in which they are set, all doors shall be painted/stained timber, all fascias, bargeboards, and other joinery shall be white painted/stained timber, and all juliet balconies shall be finished black and, notwithstanding any details submitted, no development shall take place until details of each type/style of window, for each different house/flat type, at a scale of 1:20 (including materials and vertical cross sections through the openings) shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
5. Prior to the commencement of the development hereby permitted details of the proposed finished levels or contours of the site and proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land, (noting positions of trees), shall have be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved levels, unless otherwise agreed in writing by the local planning authority.
6. Prior to the commencement of the development hereby permitted details of the design, appearance and materials to be used in the construction of the footbridge hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
7. Prior to the commencement of the development hereby permitted a plan showing all trees to be retained and measures for their protection during construction works and details of a timetable for the erection and removal of such protection measures shall be submitted to and approved in writing by the local planning authority. Construction works include any ground clearance, demolition or excavation. No materials, plant or equipment shall be stored or deposited and no mixing of materials shall take place within the area(s) so protected.
8. Prior to the commencement of the development hereby permitted full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include details of all new hard surfacing materials (including car parking areas and street furniture). Soft landscape works shall include planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants and trees (noting species, plant sizes and proposed numbers/densities where appropriate) and a maintenance programme for any areas that are not to be publicly maintained.
9. The approved landscaping scheme relating to each separate phase area shall be implemented by the end of the first planting season immediately following the completion of that phase of the development (a planting season means the period from 1 October in any one year to 31 March in the next following year). Any approved landscaping falling outside of any phase area shall be implemented by the end of the first planting season following the completion of the last phase of development. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any parts of the landscaping scheme which die or are destroyed during this

period shall be replaced during the next planting season and maintained until satisfactorily established. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.

10. Prior to the commencement of the development hereby permitted a scheme indicating all of the proposed means of enclosure within and around the site whether by means of walls, fences or hedges shall be submitted to and approved in writing by the local planning authority. These details shall include a programme for the construction, erection or planting of the approved means of enclosure. The development shall be carried out in accordance with the approved details.
11. Prior to the commencement of the development hereby permitted, further details of the specific measures to protect the privacy of Nos. 8 to 22 Manorville Road inclusive from the "Swan-Neck" running between Featherbed Lane and King Edward Street shown on Drawing P005 Rev H shall be submitted to and approved in writing by the local planning authority. These details shall include a programme for the implementation of the approved measures. The development shall be carried out in accordance with the approved details.
12. Prior to the commencement of the development hereby permitted, details of the means of securing individual cycles within the cycle stores shown on the approved plans shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and notwithstanding any details submitted, the cycle stores shall be fitted with lockable doors.
13. Notwithstanding any details submitted, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and energy efficiency/conservation measures to meet the proposed 23% improvement in CO₂ emissions, as set out within the Energy Consumption Statement, shall be submitted to and approved in writing by the local planning authority. These details shall include a schedule of renewable energy and conservation measures by Plot Number. The approved measures shall be incorporated into each individual house or flat before it is first occupied.
14. Prior to the commencement of the development hereby permitted a scheme for foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water run-off so that it does not discharge into the highway or foul water sewerage system. Before any house or flat is first occupied within any separate phase of the development, the approved drainage measures within that phase area shall be provided. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.
15. Prior to the commencement of the development hereby permitted the following shall be submitted to and approved in writing by the local planning authority:
 - (a) the results of a survey carried out to identify which of the proposed dwellings is likely to be affected by noise and vibration from the railway in accordance with national guidance in PPG24; and
 - (b) a scheme for protecting the affected dwellings from noise and vibration from the railway.

No affected dwelling shall be occupied until the works which form part of the approved scheme referred to in (b) above which relate to that specific dwelling shall have been completed.

16. Notwithstanding any details submitted, prior to the commencement of the development hereby permitted, details of proposals to control smell and noise nuisance arising from the foul sewage pumping system shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
17. Prior to the commencement of the development hereby permitted details of measures to reduce the possibility of crime in accordance with ODPM "Safer Places - The Planning System and Crime Prevention" shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
18. Prior to the commencement of the development hereby permitted details of a method statement (including timetable) for the translocation of areas of important grassland shall be submitted to and approved in writing by the local planning authority. The grassland shall then be translocated in accordance with the approved details.
19. Prior to the commencement of the development hereby permitted a scheme showing how protected species of animals (badgers, bats and lizards) present on the site will be accommodated within the design/layout shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
20. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the local planning authority. This condition will only be discharged when the local planning authority has received a fully detailed report of all of the archaeological investigations.
21. Prior to commencement of the development hereby permitted details of facilities for washing the wheels of construction vehicles leaving the site and of the operation and maintenance of such facilities shall be submitted to and approved in writing by the local planning authority. Such details shall include measures for the regular removal and disposal of any mud brought onto the highway. Wheel washing facilities shall then be provided in accordance with the approved details prior to the commencement of construction works and they shall thereafter be operated and maintained, along with measures for the disposal and removal of mud, in accordance with the approved details for the duration of construction works.
22. All storage areas and facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site associated with the construction of the development hereby permitted, including the access works, shall be provided for the duration of the development on land which is not a public highway and which is not in an area required for tree protection and the use of such areas must not interfere with the use of the public highway or any trees.

23. No house or flat shall be occupied until the facilities for vehicle parking and access (including cycle storage) for that house and/or flat shall have been provided in accordance with the details shown on the approved plans, and such facilities shall not be used thereafter otherwise than for the purposes approved.
24. The refuse storage facilities for the blocks of flats shown on the approved plans shall be provided before any flat in any block to which they relate is first occupied.
25. Before any house or flat is first occupied within any separate phase of the development, the approved roadway, access, turning and circulation areas within that phase area shall have been laid out and constructed to base course level. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.
26. Development shall be undertaken in accordance with the mitigation measures as set out in the Air Quality Assessment Report.
27. Except in relation to the bridge works, or as may otherwise be agreed in writing by the local planning authority, no construction works relating to this permission shall be carried out outside the following hours:

Monday to Friday	07.30 hours to 18.00 hours
Saturday	08.00 hours to 13.00 hours

There shall be no construction work on Sundays or Bank Holidays.
28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking 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, G and H
Part 2 Classes A, B and C.
29. The windows at first floor level marked in blue on the approved plans shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.
30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.
31. The development shall be constructed fully in accordance with the approved plans and particulars and there shall be no variation, unless otherwise agreed in writing by the local planning authority.

INFORMATIVES

Badgers

The applicant is advised that an English Nature licence will be required for any construction work within the following distances of a badger sett:

30 metres for Heavy Plant
20 metres for Light Plant
10 metres by Hand

Fire and Rescue

- The applicant is advised that vehicle access for fire service vehicles should be constructed in accordance with Section 17 of Approved document B of the Building Regulations 2000 where applicable.

Particular attention should be paid to table 21 and diagram 50 of above document.

- The applicant is advised that water supplies for fire fighting purposes should be provided and sited in accordance with BS5588: Part 5: 2004.

Public Sewers Crossing the Site

- The applicant is advised that there are public sewers crossing this site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building/development work please contact Thames Water on 0845 850 2777.

Disabled Access

All units should have level access and accessible thresholds in order to comply with the current Building Regulations.

DCC COMMITTEE - 5th June 2006

4/2419/04/FUL. RESIDENTIAL DEVELOPMENT COMPRISING 325 DWELLINGS, PROVISION OF PUBLIC OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN).

LAND ADJACENT TO THE MANOR ESTATE, HEMEL HEMPSTEAD.

APPLICANTS: JS BLOOR (SUDBURY) LIMITED.

[Case Officers: Andrew Parrish and Robert Freeman] [Grid Reference: TL0532 04924]

SUMMARY

Summary of reasons to grant

The site is allocated in the Local Plan as a Housing Proposal Site under TWA3 and TWA4. Residential development of about 300 houses is therefore accepted, together with the provision of open space, landscaping and other community benefits as set out in detail within the adopted Manor Estate Design and Development Brief. The Development Control Committee resolved to delegate the grant of outline permission for residential development on this site (4/02329/04/OUT) on 10 March 2005, subject to a s.106 agreement. The agreement is awaiting completion.

Full planning permission is sought for the erection of 325 dwellings on the site, together with the provision of open space, landscaping, footpath links and associated highway works. An environmental statement was deemed not to be required for this development on 5 October 2004. The Highway Authority has previously concluded that the proposed means of access, and various highway improvements will accommodate up to 340 dwellings without harm to the surrounding highway network.

The density of the proposed scheme equates to approximately 36 dwellings per hectare which is considered to strike a reasonable balance between the current density of the Manor Estate, its urban fringe location and the requirements of central government to make best use of land. This accords both with PPG3 advice and Policies 10 and 21 of the Local Plan.

The proposed layout of the extension to the Manor Estate closely follows the master-plan layout adopted in the Manor Estate Design and Development Brief. The number of dwellings can be satisfactorily accommodated on the site without detriment, and the design and layout would respect the existing Manor Estate. There would be no harm to adjoining residential amenities. The proposal would accord with Policy 11 of the DBLP.

The provision of 35% affordable housing will form a significant proportion of the required annual supply (91%) in the district and is considered to provide a suitable compromise between the desires of local residents and the overall aims and objectives to supply a larger proportion of affordable housing. The distribution of the affordable housing in five areas is considered an acceptable compromise between the interests of social inclusion and the issues of maintenance and management by the RSL.

Subject to a suitable management plan and landscaping proposals, as required by the Development Brief, the provision of open space is considered acceptable. The development would have a satisfactory relationship to existing trees. The major ecological issues emerging from the application can be dealt with by condition.

The provision of a bus gate will act as an effective traffic management tool to limit access from King Edward Street to 84 units. The diversion of public footpath 73 will be secured around the perimeter of the application site. Subject to the comments of the Highways Authority, estate access is considered satisfactory and car parking is in accordance with PPG3 and adopted

standards in the Local Plan.

Sustainable drainage methods would be adopted and the development would make efforts to minimise the use of energy through renewable energy sources and energy conservation measures. An Energy Consumption Statement indicates a 23% reduction in CO2 emissions as against conventional technologies and building methods.

In accordance with the submitted air quality assessment, whilst overall CO2 emissions would rise, the impact on air quality from the houses would be below EU limit values. The likelihood of smell nuisance from the proposed pumping station is considered to be low and any responsibility for offensive smells will fall to the adopting sewerage authority.

The developer has agreed to make financial contributions, inter alia, towards engineering works on the school site, to fund a school bus service, to help subsidise the running of a public bus service, for medical services in Apsley, for community facilities and to help subsidise local shopping in Apsley centre. These benefits would be secured by legal agreement.

BACKGROUND

This special meeting of the Development Control Committee has been convened to consider the full planning application for the development of an extension to the Manor Estate, Hemel Hempstead. It has been arranged in view of the complexity and scale of the development being proposed and the likely requirements for public participation.

The application site comprises housing proposal sites TWA3 and TWA4 in the Dacorum Borough Local Plan 1991-2011 which was adopted in April 2004. These sites have an estimated net dwelling capacity of 300 units. Its adoption followed the publication of the Apsley and Two Waters Study in 1996 which estimated site capacity at around 260 dwellings and the subsequent recommendations of the Local Plan Inspector in 2002 to increase the capacity of, and adopt the site within, the Dacorum Borough Local Plan 1991-2011.

Although the site was not formally adopted as a Housing Proposal site until April 2004, a series of meetings started in late 2003 to determine the overall development strategy for the site. On 8 November 2003 initial consultation was held with local residents to determine the content of the Manor Estate Development and Design Brief. Focus groups were set up to discuss key issues resulting from this initial exhibition and consultation work, involving local people, key stakeholders and planning officers. Focus group meetings were held on 27 November 2003 and 12 February 2004 at the Two Waters and Apsley School with wider public consultation in the interim period.

The Manor Estate Development and Design Brief was finally adopted on 21 April 2004 and a presentation was held to Focus group members and Councillors on 20 August 2004 at the Civic Centre. An exhibition of the contents of the planning application proposals was held on 16 October 2004 to gain initial feedback upon proposals. Representatives of both the developer and the Planning Service were present to answer questions and note comments made by local residents.

On 18 February 2005, Councillors Mills, Ayling, Bannister, Clark, Craufurd, Fisher, Gibbs, Gomez, Harden, Holmes, Sutton, Townsend and Mrs Wyatt-Lowe attended a formal site visit accompanied by the case officers. No views were expressed and members retained the right to speak and vote at the subsequent committee meetings to determine the outline planning application for this site.

Description

The site covered by this application extends to 19.52 hectares and is located to the south and

west of the existing built-up area of Apsley between the West Coast Main Line railway and A41. It comprises four areas referred to in the Local Plan and adopted Manor Estate Development and Design Brief as TWA3, TWA4, TWA21 and TWA22.

The largest site (TWA4), which is contained within a well defined landscape cell, comprises a number of fields cut off from the main farming land by the A41, wrapping around the southern and eastern fringes of the existing Manor Estate. The site is bounded by the A41 to the west, Featherbed Lane to the north and the mainline railway to the east. Two Waters Infant and Junior School is located adjacent to the existing urban area and indents into the site. To the south the Shendish Manor Estate and Golf Course and a number of residential properties bound the site.

The two eastern parcels of land (Maxted Fields) slope down broadly from west to east. The boundary immediately abuts the railway line and rear gardens of properties fronting on to High Ridge Road. A playground is located within the site at the end of King Edward Street. The two south-western fields (A41 fields) level out on higher ground. These fields wrap around the existing residential development of High Ridge Road, West Valley Road and Chipperfield Road. They include the open land proposals set out under TWA21 of the Local Plan.

To the north of these fields and wrapping around the northern fringes of The Manor Estate is an area of open land and woodland (Home Wood East) backing on to the rear gardens of dwellings in Manorville Road. This land is to be retained as Green Belt land. Further north again is a second small development site (TWA3) forming part of the overall application site. Featherbed Lane and the rear gardens of properties in Manorville Road border this land, which is steeply sloping. Its northern extent fronts onto King Edward Street near its junction with Featherbed Lane.

To the north-west of Featherbed Lane and bounded by Two Waters Way, the old Featherbed Lane and the A41 bypass is an area of woodland (Home Wood West) (TWA 22) This part of the application site is also to be retained as part of the Green Belt. This site will be managed in accordance with the requirements of TWA 22.

Vehicular access to the site is currently gained from King Edward Street via Featherbed Lane. Featherbed Lane can be approached either from the north, via London Road, Apsley, or from Felden, Chipperfield and Bovingdon to the west, via the bridge over the A41. Exclusive pedestrian access to the site is from Kents Avenue to the north of the railway line via an existing footbridge. This provides access to Footpath No. 73, which crosses diagonally the Lower Maxted Field to the Shendish boundary, and to open countryside beyond. Bridleway 139 briefly straddles the site where it crosses from Featherbed Lane via an unmade track to Chipperfield Road and Manorville Road. There are a number of informal footpaths through the fields that comprise the application site.

The majority of the site (the subject of this application) is excluded from the Green Belt by virtue of proposals TWA3 and TWA4 of the Local Plan which allocate these areas for residential development. The remainder of the site is either within the Green Belt (viz: Home Wood (east and west) and land forming part of the embankment to the A41) or allocated as open land (viz: the TWA21 area). Additional to the above, the A41 fields are within an Area of Archaeological Significance 52 known as Apsley Manor, A41.

Proposal

Permission is sought, in full, for the erection of 325 dwellings on the site, together with the provision of open space, landscaping, footpath links and associated highway works. In detail, the residential proposals comprise the following:

- 30 dwellings on TWA3 and 295 dwellings on TWA4
- 114 affordable units, of which 71 would be for rent and 43 shared ownership

- 64 flats and 261 houses (all the flats would be affordable units)
- 33 one-bed, 69 two-bed, 98 three-bed, 35 four-bed, 79 five-bed and 11 six-bed properties
- 672 car parking spaces overall, equivalent to 2.06 spaces per dwelling
- 181 car parking spaces for the affordable units, equivalent to 1.4 spaces per dwelling
- 28 different house types and flats
- Density of 35.95 dwellings per hectare
- Affordable housing split into 6 separate areas

The dwellings would be arranged around a series of “home zones”, private drives and focal squares, all served by a central spine road of 6 metres width. This would be traffic calmed by a combination of speed cushions, tables and bends. A bus gate and school drop-off zone would be incorporated within the application site.

In addition to street planting and general landscaping, the proposals would provide two children’s play areas and a village green, sufficient in size to accommodate a junior football pitch. Informal open space would also be provided, including a green corridor to the railway line, the A41 and Shendish Manor boundaries, and dedication of Home Wood both sides of Featherbed Lane as public open space. The existing footpath 73 which crosses the site would be diverted around the green corridor to link up with the Shendish boundary and also further extended to link up with Featherbed Lane near junction with the A41 overbridge. Existing significant tree belts on the site would be retained within the overall layout. An area of land adjacent to Two Waters Primary School is shown as a “reserve site”.

The proposal involves the construction of vehicular access to the site from the top of Featherbed Lane near its bridge over the A41, and from King Edward Street. Capacity improvements to the highway network that serves these two points are included in the application and, in detail, these comprise the following:

- Improvement works to the junction of Featherbed Lane with London Road, Apsley; to provide a left turn only facility for traffic entering London Road and a new protected right turn lane for traffic entering Featherbed Lane from the Hemel Hempstead direction.
- Changes to the priorities at the junction of Orchard Street with London Road to provide a right turn only facility for traffic entering London Road.
- A new combined vehicle/footway bridge over the railway at Featherbed Lane to provide improved traffic flow with a divided two-way carriageway.
- A new junction arrangement (“Swan Neck”) between King Edward Street and Featherbed Lane to provide improved visibility and safety.
- Widening works to the bottom “unimproved” part of Featherbed Lane to provide improved visibility and traffic flow.
- A new roundabout junction at the top of Featherbed Lane to facilitate site access.
- Improvements to the existing pedestrian footbridge over the railway at Kents Avenue to provide ambulant access.

To enable consideration of the means of access, detailed plans of the entire “off-site” highway works have been submitted with the application, together with a Traffic Impact Assessment (Appraisal of Highway and Traffic Issues by MJA Consulting, and Road Safety Audit Stage 1 by TMS Consulting). In addition, there is an overall location plan with the site outlined in red.

With regard to the rest of the development, detailed site layout plans have been submitted, together with elevations and floorplans of all the dwelling types. Axonometric drawings and street scenes of the principal frontages have also been submitted. Documentation in support of the application comprises the following:

- Statement to Accompany Planning Applications by Boyer Planning
- Phasing Programme by Bloor Homes

- Design Statement by RBA dated Nov 2005
- Sustainability Statement by RBA dated Nov 2006
- Energy Efficiency and Water Conservation Statement by RBA dated Nov 2005
- Appraisal of Drainage Issues by MJA Consulting dated Sept 2004
- Landscape Appraisal Report by Cooper Partnership
- Landscape and Ecology Strategies and Management Plans by David Fountain Designs
- An Archaeological Evaluation by Archaeological Solutions
- Tree Survey by JBA dated 25 April 2006
- Tree Schedule by JBA dated 26 April 2006
- Tree Survey Drg. No. JBA05/41-TS01 rev. B by JBA
- Arboricultural Impact Assessment and Method Statement by JBA dated April 2006
- Arboricultural Implications Assessment Drg. No. JBA05/41-TS01 rev. B by JBA
- Ecological Appraisal by Green Environmental Consultants
- Ecological Survey by JBA dated 8 July 2005
- Management Statement. General Landscape Management Operations for the Open Spaces by JBA dated 20 June 2005
- Woodland Management Strategy by JBA dated April 2006
- Detailed Open Space Proposals Drg. Nos. JBA05/41-05 to 11 by JBA
- Location Plan Drg. No. JBA05/41-12
- Landscape Design Code by JBA received 15 Dec 2005

On 5 October 2004, the local planning authority adopted a screening opinion to the effect that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Accordingly, an environmental statement was not required for this development.

This document was later superseded to take account of the removal of dwelling numbers in the outline application in accordance with legal advice from Cunningham John Solicitors. A similar conclusion was reached; that the application need not be accompanied by an Environmental Impact Assessment.

It is considered that in view of the above information it is not considered necessary to review the screening opinion accompanying the full application to take account of a minor shift from 335 to 325 dwellings.

Relevant Planning History

The Development Control Committee resolved to refer the outline application for residential development on this site (4/02329/04/OUT) to the Office of the Deputy Prime Minister on 10 March 2005 in accordance with the Town and Country Planning (Residential Development on Greenfield Land) (England) Direction 2000.

On 6 May 2005, the Government Office for the East of England confirmed that the intervention of the First Secretary of State would not be justified. In accordance with the resolution of the Development Control Committee the application is now currently delegated to the Development Control Manager with a view to approval subject to the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990. This agreement is currently awaiting completion.

The outline application dealt with issues relating to the means of access to the site and the principle of residential development on the site. All other matters were reserved.

The following other applications are considered to be of relevance to this application:

4/01126/05/FUL – Planning permission has been granted for the development of seven flats at

235-237 London Road, Apsley. This incorporates the demolition of the property and improvements to the junction of London Road and Featherbed Lane.

4/02920/04/FUL – This application involved the construction of a retail unit and managers flat on land adjacent to Featherbed Lane and to the rear of 8-16 Manorville Road, Hemel Hempstead (also known as the swan neck). This application was withdrawn following objections from local residents, Hertfordshire Highways and the Architect's Panel.

4/02405/04/OUT – Proposed mixed-use development comprising residential development, retail units, a GP surgery and highways works (Blocking up Storey Street and providing a link between Weymouth Street and London Road) at 177-191 London Road, Apsley and land comprising public car parking (Local Plan Proposal Site TWA 8). This application has been delegated with a view to approval subject to the completion of a S.106 agreement.

4/01895/04/FUL – Proposed development of eight flats at 235-237 London Road, Apsley. This application was withdrawn following discussions with the case officer.

4/01851/01/OUT – Permission was granted for the development of a two storey office building at 235-237 London Road, Apsley. This included the demolition of 235-237 London Road, Apsley and improvements to the London Road and Featherbed Lane junction. This permission has not been implemented.

POLICIES

National policy guidance

PPS 1, PPG 2, PPG 3, PPS 9, PPS 11, PPG 12, PPS 12, PPG 13, PPG 15, PPG 16, PPG 17, PPS 22, PPS 23, PPG 24 and PPG 25

Environmental Impact Assessment Regulations 1999

Circulars 15/92 (Publicity for Planning Applications), 2/93 (Public Right of Way), 11/95 (The Use of Conditions on Planning Permissions), LAQM.G4 (97) (Air quality and Land Use planning), 6/98 (Planning and Affordable Housing), 02/99 (Environmental Impact Assessment), 08/00 (Town and Country Planning (Residential Development on Greenfield Land) (England) Direction 2000), 04/01 (Countryside and Rights of Way Act 2000), Planning for Access for Disabled People: A Good Practice Guide, 01/05 (The Town and Country Planning (Residential Density) Direction 2005), 05/05 (Planning Obligations) and 06/05 (DEFRA Circular to accompany PPS 9).

Draft Regional Spatial Strategy for the East of England (RSS 14)

Policies SS1, SS2, SS3, SS7, SS8, SS12, SS13, SS14, SS16, E1, H1, H2, H3, T1, T11, T12, T13, T16, ENV1, ENV2, ENV3, ENV4, ENV5, ENV7, ENV8, ENV9, C3, C4 and C5.

Hertfordshire Structure Plan Review 1991 - 2011

Policies 1, 2, 5, 6, 8, 9, 10, 11, 22, 23, 25, 26, 27, 28, 29, 39, 40, 41, 46, 47, 48, 49 and 57

Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 49, 50, 51, 54, 55, 58, 61, 62, 63, 64, 67, 69, 70, 72, 73, 76, 79, 80, 96, 98, 99, 100, 101, 102, 103, 107, 111, 113, 115, 116, 118, 122, 123 and 124

Two Waters and Apsley Insert

Appendices 1, 3, 5, 6 and 8

Supplementary Planning Guidance

Environmental Guidelines Sections 1, 2, 3, 4, 9 and 12
Manor Estate Development and Design Brief

Supplementary Planning Documents

Eligibility Criteria for the Occupation of Affordable Housing
Energy Efficiency and Conservation
Water Conservation

Bibliography:

Affordable Housing Strategy 2005-2007
Dacorum Borough Local Plan 1991-2011 Annual Monitoring Report 2003/04
Dacorum Borough Local Plan 1991-2011, Public Local Inquiry, Inspectors Report Volume 2
Indoor Facilities Assessment Report (March 2006)
Indoor Facilities Strategy and Action Plan (March 2006)
Social and Community Facilities Background Study (January 2006)
Urban Design Assessment – Hemel Hempstead (January 2006)

REPRESENTATIONS

Please see annex.

CONSIDERATIONS

Policy and Principle

The Structure Plan requires the provision of 65,000 dwellings in the County over the period 1991 to 2011. The provision for Dacorum Borough is 7,200 dwellings, including 1000 dwellings on the edge of Hemel Hempstead. The Structure Plan EIP Panel in March 1997 concluded that the Manor Estate would be appropriate as a housing allocation to contribute towards meeting the Structure Plan requirements for Hemel Hempstead.

The site was incorporated in the Local Plan housing site allocations following the recommendations of the Local Plan Inspector who justified the particular boundaries of the site on the grounds that they would secure a defensible long-term green belt boundary. Policy 16 of the Local Plan encourages the development of housing to meet the district housing allocation described above and identifies a number of sites for such development over the period 1991 to 2011 through an attached housing site schedule. The site is identified in the Two Waters and Apsley Insert and housing schedule as TWA3 and TWA4. These indicate a net capacity, respectively, of about 30 and 270 units of which 33% should be for affordable housing. The site additionally includes land covered by Proposal sites TWA21 (open space, leisure and woodland retention at Home Wood East) and TWA22 (Home Wood West).

The development of the Manor Estate is one of a number of connecting developments within the Apsley area. These works go hand-in-hand with infrastructure improvements, including the demolition of 235-237 London Road and a new railway bridge. The Local Plan includes these proposals under TWA14 and TWA15.

Proposals TWA3 and TWA4 state that comprehensive planning is to be provided by a development brief. General principles set out under TWA3 and TWA4 indicate that the area is to be planned comprehensively to include, inter alia:

- Housing generally of two-storey height, with a significant proportion of 1 and 2 bedroom properties.
- “Off-site” highway improvements.
- Improved railway crossings.
- New bus route.
- Access from Featherbed Lane and King Edward Street.
- Contribution towards education facilities.
- Affordable housing.
- Provision of public open space.
- Retention of Home Wood including access and management arrangements.
- An archaeological evaluation and mitigation measures.
- Comprehensive landscape design to establish a new Green Belt boundary and create a buffer with Shendish.
- Retention of existing hedgerows and rights of way.
- Better access and parking for Two Waters JMI school.
- Housing designed to take account of noise from the A41 and railway, and
- Other environmental and ecological enhancements.

The principle of residential development on this site has therefore been established in the Local Plan.

The Manor Estate Development and Design Brief was adopted in April 2004 to guide the detailed planning of the site. The Development Brief provides detailed guidance for the provision of approximately 300 dwellings on two sites; 270 on land covered by TWA4 and 30 on land covered by TWA3. The key objectives of the brief are to:

- Provide supplementary planning guidance to all parties;
- Respond to the land form, visibility and features of the site and identify key areas where particular attention needs to be paid to the scale, massing and orientation of development;
- Establish the infrastructure requirements of the development and its phasing including safe and attractive cycle and pedestrian routes;
- Identify measures intended to integrate the new and existing development in the locality;
- Provide a mix of dwelling types and sizes and allow for integration of affordable housing within the community;
- Provide the context for a comprehensive development;
- Create a landscape setting that provides amenity for residents, protects and encourages ecological diversity and meets engineering needs for sustainable drainage systems;
- Meet the needs of the residents in safe and accessible places;
- Ensure that the development conforms with Local Plan policies.

The Development Brief first identifies the existing site constraints and opportunities. It then provides a concept masterplan that demonstrates how the extension to the urban area is expected to be designed and form part of the local community, including key structural land uses like open space, housing blocks, access and transport corridor. The masterplan provides the broad framework for more detailed guidance on the different aspects of urban design, including access and movement, density and landscape strategies. The range of community benefits to be provided by the developer is set out within the brief.

Density and Land Optimisation

PPG3 (Housing) requires land to be used more efficiently and promotes higher quality development. It advocates densities of between 30 and 50 dph with a greater intensity of development at places with good public transport accessibility. Anything below 30 dph would be classed as an inefficient use of land.

Policy 10 of the Local Plan seeks to secure the optimum use of land in the long-term by requiring all development to meet a number of criteria. Inter alia, general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan and, in particular, building development should make optimum use of the land available, whether in terms of site coverage or height.

Policy 21 of the Local Plan states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare.

The Development Brief does not set out any overall density to be achieved. It does state that in order to deliver approximately 300 units the form of development will have to be relatively urban in nature. The Brief envisages densities being higher (30-35 dph) along the public transport corridors but within more sensitive areas, such as around the proposed village green, lower densities will exist.

The density of the development should be calculated in accordance with the advice contained in the annexes to Circulars 08/2000 and 1/2005. This would exclude such areas covered by distributor roads, primary schools, open spaces serving a wider area and significant landscape buffers from the area capable of accommodating development. In total, the area of the site capable of accommodating development (developable area) in accordance with this advice is 9.04 hectares. The actual density of the proposed scheme equates to approximately 36 dwellings per hectare based on this figure. This accords both with PPG3 advice and Policy 21 of the Local Plan. This means that the application need not be referred to the ODPM in accordance with the Town and Country Planning (Residential Density) Direction 2005 as the proposed density is greater than 30 dwellings per hectare.

It should be acknowledged that an increase in density does not, per se, lead to a more urban form of development. For example, a single large detached house could have the same building bulk and form as a block of 4 flats, the choice of which is dependant on market conditions at the time and the developer's preference for house types.

In the context of this planning application the proposed density, at the lower end of the scale, is considered to be reasonable, striking a balance between the current density of the Manor Estate, its urban fringe location and requirements of central government guidance to make best use of land. It accords with Policies 10 and 21 of the Local Plan.

Design, Layout and Visual Amenity

The proposed layout of the extension to the Manor Estate closely follows the master-plan layout adopted in the Manor Estate Design and Development Brief. This layout is loosely based around the concept of a tree lined spine road, a surrounding perimeter open space corridor and perimeter blocks of residential development. This reflects current good practice set out in documents like "By Design" to provide a layout with good connections and small block size to encourage walking and cycling, and a perimeter block layout whereby buildings front the streets in the interests of safety and security, reduced traffic speeds and a more vibrant public realm.

Character

The existing Manor Estate comprises approximately 330 dwellings. There are a number of different styles of residential unit amongst the existing housing stock. King Edward Street and central Apsley have a strong Edwardian influence and these properties probably form the most attractive elements of the current estate. A more modern form of development is located at Edward Court immediately adjacent the site entrance off King Edward Street. A number of bungalows dominate the upper sections of High Ridge Road. Many of these properties have

been developed on an ad-hoc basis with significant roof extensions diminishing their architectural integrity. This has produced a fairly poor quality of architecture in places. High Ridge Road features properties from the pre-war period. It is important to note that the character of the existing Manor Estate does not stem simply from its architectural styles and height, but is a combination of this and of landscape and topographical features, perimeter block layout, enclosure, roof articulation, materials and grid form.

The Manor Estate extension takes on board many of these characteristics, adapting them to suit the constraints of the site, and planning requirements (e.g. density). These include a grid form of streets, perimeter block layout, continuity of street frontage, predominance of two-storey development, use of brick and tile, appropriate articulation of roofs. It is acknowledged that there are flats and 3-storey development. However, it is not considered that these would be harmful in any way to the existing Manor Estate. It must be recognised that the construction of new bungalows is unusual, principally as this is an inefficient building form in terms of the maximisation of the use of land.

During the course of the application, a number of concerns were raised by officers to the quality of the urban design and of the detailed design and appearance of the dwelling types. Revised plans address these issues.

A traditional style of dwelling has been used through the development of the extension to the Manor Estate. The design of these new properties will provide some continuity with the existing estate through the use of materials and traditional details. However it is considered of greater significance that a consistent style is used throughout the proposed scheme and that the design of these units is attractive in their own right. The affordable housing is designed using the same architectural details and palette of materials to ensure that it is indistinguishable from open market units, and officers are satisfied the proposals will not lower the quality of the development.

Focal Squares

The development comprises a network of 'dynamic spaces' (streets and paths) and static spaces (squares and greens). A series of "home zones" spring from the main spine route. Such "home zones" are designed with shared surfaces. The ambiguity and lack of clarity in road priorities, which is enshrined within the "home zone" concept, work to both reduce speed and increase awareness of other road users to the overall benefit of safety. They also produce tight intimate and attractive residential areas and the sense of enclosure required by the Brief.

In contrast, the spine road is wider, but taller buildings along its route do provide an appropriate sense of enclosure. This main street, with its grass verges and tree planting, opens up to form three focal squares adding interest to the street scene and providing a sense of place in accordance with the Manor Estate Design and Development Brief. Such details as surface treatment, enclosure and landscaping are explained in the Landscape Design Code. The spatial hierarchy is reinforced with concentrations of development along the main routes.

Landmarks and Height

The proposed development will provide an appropriate mix of two and three storey properties through the estate. This accords with the Manor Estate Development and Design Brief. In particular, attention has been paid to the diagrams and photographs on pages 31 and 36-38 of the Brief, which gives clear guidance as to locations where height may be increased to offer urban design benefits.

Three storey buildings have been used along the spine road and at key strategic locations to act as visual stops, add interest to the street scene and provide a denser mix of accommodation to assist a sustainable bus service. Higher buildings have also been provided where topography

can be utilised at the eastern end of the TWA4 site. The additional height of such buildings would not be harmful to the character and appearance of the area.

There has been a sensitive treatment of building height adjacent to existing properties within the Manor Estate with the use of two-storey properties or significant space between properties.

Residents of the Manor Estate have expressed concerns regarding height and consider a greater use of bungalows would be more appropriate both in terms of the impact upon amenities and character of the estate. It is considered that bungalows would not provide an effective use of land in accordance with PPG 3 as they often require a greater footprint to provide satisfactory accommodation. In your officers' experience and as demonstrated by properties at the end of High Ridge Road, they often result in pressure for extensions within the roof space with considerable harm to their appearance and that of the street scene. This would conflict with the aesthetic requirements of the Brief.

Amenity

Generally the provision of outdoor amenity space reflects the size and type of residential unit provided with a minimum garden depth of 6.5m (Plot 83) and a maximum garden depth of 18.5m (Plot 99). Larger dwellings have gardens of typically 13m -16m in depth. Gardens of smaller depth meanwhile are often compensated for by increased width to provide a functional amenity space. Generally amenity space is considered to be adequate in size to meet the needs arising from the particular dwelling. In addition, it should be noted that all residents have access to the green corridor around the perimeter of the site. This conforms to the requirements in Appendix 3 of the Local Plan for a range of garden sizes to cater for different family compositions, ages and interests.

A significant proportion of dwellings would not meet a minimum garden depth of 11.5m. This reflects the number of small residential units on the application site and is affected by the elongated nature of the application site. However, amended plans address the worst cases. In any individual circumstance, a marginal shortfall from the standard has not been considered materially harmful, provided minimum overlooking distances are maintained or loss of privacy is mitigated by design. It should be noted that on appeal Inspectors have not been found amenity space to be instrumental in the success or otherwise of an appeal. Conditions are recommended with regard to obscure glazing as necessary and removal of permitted development rights.

Flatted Development

There are nine flat blocks on the application site, which have specifically been designed to meet affordable housing requirements. The majority of flats are located near the railway lines and have been designed to reflect the changes in gradient across this part of the application site. Other pockets of flats exist to the rear of properties on Manorville Road (TWA3) and between the school and High Ridge Road. These flats are considered to be satisfactory in terms of the design, layout and amenity space reflecting the advice contained in Appendix 3 of the Local Plan

The design of flats on TWA3 (Plots 6-11 and 12-17) had been criticised by officers. These have been redesigned and have been enhanced through a simple brick treatment to elevations and improved fenestration details. These blocks range between two and half and three storeys in height reflecting changes in topography across the site. A reasonable amenity area is provided to the side and rear of each block. Bin and bike storage facilities are also provided.

Boundaries and Surveillance

The design and siting of boundary fences, walls, hedges etc is an important component of the

design of this new urban extension. A key concept of the Development Brief is to make a clear distinction between public and private space to give a clear sense of ownership and stewardship. Front boundary walls, railings and hedges are a defining feature of the existing Manor Estate and are carried through to the new estate. A good overall level of enclosure is shown on the plans. However, full details will be required by condition. In particular, robust walls will be required where gardens back onto public or semi-public areas, and an appropriate condition restricting permitted development for fences etc so that natural surveillance of public areas is not compromised. Amended plans satisfactorily address issues of 'dead' space by appropriate introduction of ground floor windows to overlook car parks and other public spaces and the general provision of active frontage wherever possible in the interests of security.

Details of Design

A number of more detailed design issues with each of the residential units are addressed through the provision of the latest amended plans as a response to detailed comments of the 9th March 2006. These relate, inter alia, to porch details, balance and proportion of fenestration, roof articulation, materials etc. Some of the concerns raised in relation to individual properties remain outstanding. However, officers are now generally satisfied with the design of each of the 28 dwelling types and do not consider the outstanding issues, which are perhaps more subjective matters, sufficient to withhold the grant of planning permission. Details of fenestration, rainwater goods, fascias etc will need to be approved by condition. A condition requiring compliance with the approved plans is also recommended to ensure that there is no progressive dilution of the approved building forms.

Affordable Housing

The Dacorum Borough Local Plan 1991-2011 seeks to secure an annual rate of 125 affordable housing units. Since the beginning of the plan period and up to April 2004 only 1,079 units of affordable housing have been provided. This represents an annual delivery rate of only 83 units over the thirteen years period 1991-2004.

Over the last three years monitored (2001-2004), the rate of provision has significantly dropped to an annual rate of 55 dwellings. In other words, the actual rate of provision is only half of that sought in policy terms. This has produced a significant shortfall in the delivery of affordable housing.

The shortfall in affordable housing can be put down, to some degree, to the slow delivery of key housing proposal sites. The development of the Manor Estate is important strategically to the affordable housing supply representing a major housing site for Dacorum. As such it is considered vital that a large proportion of affordable housing is provided through this development.

The Manor Estate Development and Design Brief and the targets set out in the Schedule of Housing Proposal Sites within the Local Plan dictate the level of affordable housing sought in the development of this site. Both documents would seek the provision of 33% affordable housing on this site. However this does not prevent the developer providing additional affordable housing as part of a comprehensive scheme of planning benefits.

The most recent Housing Needs Survey carried out on behalf of the Council by David Couttie Associates (2004) developed actions to be carried forward in the Affordable Housing Strategy 2005-2007 (approved by Cabinet in December 2004). One key recommendation was to negotiate higher rates of affordable housing on all sites. This recommended that an average of 40% should be provided in line with planning policies of other local authorities. A policy of this nature would help address the current affordable housing shortfall.

Discussions with the Developer, the Head of Housing and case officers have agreed the

provision of 35% affordable housing with a broad tenure split of 60:40 between rent and shared ownership units. This should secure the provision of 114 affordable housing units on the site. As such it forms a significant proportion of the required annual supply (91%).

There are clear concerns regarding this level of provision from the local community, however the negotiated position is considered to provide a suitable compromise between the desires of local residents and the overall aims and objectives to supply a larger proportion of affordable housing.

Residents and the Head of Housing have raised concerns about the mix of tenure and the lack of “pepper potting”. Amended plans locate the affordable housing in five pockets (previously 4) within the application site and split between the TWA3 and TWA4 sites. It is important to distribute the affordable housing throughout the site in the interest of social inclusion and to avoid the creation of ghettos or areas of deprivation. However, this ‘pepper potting’ of affordable housing needs to be carefully balanced against issues of management and maintenance for the Registered Social Landlord (RSL). In this case, the RSL has expressed concerns regarding a greater division of affordable housing blocks. Acknowledging this concern it is considered that affordable housing units are now reasonably distributed throughout the site, albeit some areas are larger than initially envisaged. The tenure split would be a matter for the Housing Services Manager.

The comments of the Head of Housing on the latest revised plans will be reported orally at the meeting.

Concerns are raised that the affordable housing has been located in the least desirable areas, i.e. at the bottom of the hill. It is a matter of debate as to whether this is the least desirable, as it also has distinct advantages in terms of accessibility. It is acknowledged that the location of the flatted development and taller buildings has responded to the constraints of the site and requirements of the Development Brief to locate such housing sensitively with regard to landform, edge of site characteristics and green belt views. However, it is only considered to be coincidence that a proportion of the affordable housing is also accommodated within the taller blocks.

Open space and leisure

Policy 76 of the Local Plan requires developments of over 25 dwellings or 1 ha in area to provide public open space in accordance with National Playing Fields Association (NPFA) standards which should be well located and purposefully designed incorporating landscaping, play equipment and other features as necessary. Such open space should be offered for adoption by the local authority with an appropriate commuted sum to cover maintenance.

There are two principal areas of open space to be secured as part of the extension of the Manor Estate. TWA21 seeks the provision of informal leisure space, retention and provision of pedestrian routes, retention of woodland and environmental improvements on land adjacent to Featherbed Lane and the A41 (including Home Wood East). TWA 22 is closely linked to this and relates to the retention of ancient woodland and environmental improvements at Home Wood West. In addition to these specific areas, TWA4 requires a comprehensive landscape design to establish, inter alia, a new Green Belt boundary and create a buffer with Shendish. An overall Management Plan for landscape design, ecological enhancement and future management of the areas is required.

The Development Brief sets out the specific requirements for play provision and useable open space within the development in accordance with the NPFA standards. As well as an area of informal open space to be created adjoining Home Wood, a number of formal equipped/unequipped play spaces must be provided, including a “village green” that should incorporate a junior-sized football pitch. A 20 metre buffer corridor adjacent to the southern

wooded margins of the site with Shendish is a requirement which should reflect the community's desire for a "sledging slope", as well as access around the estate, informal access and footpath links to the wider countryside.

In considering the outline application, concerns were raised about the adequacy of open space provision shown on the illustrative layout. In particular, concerns were raised by the Parks and Open Spaces Manager about the adequacy of the neighbourhood open space to accommodate:

- a junior-sized football pitch,
- a neighbourhood equipped play area (NEAP),
- adequate boundary planting to create the necessary wildlife corridor, and
- grassland of sufficient area to be maintained to a level of local nature conservation value.

Concerns were also raised regarding the width of the green corridor to accommodate the requirements set out within the various submitted documents, viz:

- long grass habitat creation varying in width between 3 and 6 metres,
- footpath/cycleway links,
- additional tree planting to create an avenue effect,
- maintenance of recommended buffer widths, and
- 1 metre cut margins as required adjacent to footpaths.

The narrow width and overhanging trees were also considered to compromise space for the provision of a "sledging slope". These and other concerns were echoed by Trees and Woodlands, and by Hertfordshire Biological Records Centre (HBRC) in their capacity as ecological advisor. It was also noted that Sport England raised objections to the amount of open space as assessed against NPFA standards. The overall recommendation from these consultees was that the width of the green corridor should be increased and that additional margins should be provided around the "village green", together with space for the provision of a NEAP.

In response to these concerns, amended plans have been submitted. A 20 metre width of green corridor is now shown to the Shendish boundary and the neighbourhood open space (village green) has been increased in size sufficient to accommodate a junior-sized football pitch. A NEAP is also accommodated adjacent to the village green, split into two separate areas with the nearest one located 16 metres from the nearest property Plot 247. The issue of the proximity of the replacement play area (LEAP) to residential properties at the end of King Edward Street has been resolved through its relocation adjacent to the railway line. The present play area adjacent to the end of King Edward Street will, however, need to be purchased from the Council and the restrictive covenant released before any development commences. Temporary relocation of the play area is required for the duration of the construction works, and this will need to be secured by a s.106 agreement. Provision for a "sledging slope" is shown near the 'village green'.

The boundary between public, semi-public and private areas in the green corridor has been clarified by the use of knee rail fences, footpaths and hedges. However, officers have concerns about the urbanising effect of these on the green corridor and consider that further amendments will be necessary. The potential for vehicles parking on the open spaces is recognised, but it is considered that a high or double kerb design could be used to deter such behaviour. Footpaths in the green corridor have been rationalised, although now perhaps excessively so. Given that the Council will adopt these areas, the layout of these facilities will be important from a management point of view. As submitted, the Parks and Open Spaces Manager has raised a number of concerns about details of species, fencing and street furniture etc. These reflect many of the case officers' concerns but do not affect the overall layout or extent of open spaces

proposed. Further meetings are scheduled with the applicants to iron out the finer details. In the absence of satisfactory amended plans, it is recommended that the open space plans not be approved and that further details be required as a condition.

Contributions (£3000) for a community-planting event are to be the subject of a s.106 agreement. However, at the time of writing, no specific area appears to have been designated as requested by the Parks and Open Spaces Manager. Unless satisfactorily resolved, details will need to be submitted as a condition.

The transfer to DBC of the proposed public open space areas, including Home Wood, LAPS, LEAPS and NEAPS will need to be secured by way of a s.106 agreement. The areas will need to be properly landscaped and equipped before transfer with a properly costed and detailed Management Plan for their landscape design, ecological enhancement and future maintenance (see below). Financial contributions for their continued management after transfer is a requirement of transfer and will also need to be secured as part of the s.106 agreement.

Management Plans

The Parks and Open Spaces Manager raised concerns at the outline stage about the adequacy of the submitted Management Plan received at the outset of the full application in December 2004. The Plan was considered to be very generalised in approach, poorly laid out and did not provide costings or any programme of works. It was not considered to be a suitably professional document that could be followed. As the cost of works need to be known to enable financial contributions for ongoing maintenance purposes to be calculated, the preparation of a satisfactory Management Plan will be an essential pre-requisite to the grant of planning permission and will need to be secured as part of a s.106 agreement.

In response to these concerns, which were also picked up by the Trees and Woodlands Manager and HBRC, an amended Management Statement by James Blake Associates was received in December 2005 providing general landscape management operations for the open spaces. This document provides a schedule of all required maintenance regimes, operations and works necessary for the satisfactory management of existing and new landscape elements and habitat areas to be adopted. It is also said to double as a tender document for the Authority in seeking subsequent maintenance contracts.

In addition, in response to concerns by the Trees and Woodlands Manager, and the ecological advisor at HBRC a Woodland Management Strategy by James Blake Associates has recently been submitted. The Strategy provides guidance for the future management of Home Wood (south of Featherbed Lane) and its cost-effective sustainability in the long-term. The integrity of the existing woodland has been assessed and the long-term management strategy recommends potential improvements including planting and wildlife enhancement measures, including bio-diversity. This is stated to enable the woodland to become a significant amenity resource for the development and the wider community.

The Parks and Open Spaces Manager, Trees and Woodlands Manager, and HBRC have been consulted about these documents. Concerns are raised that these documents still do not provide satisfactory guidance for the day-to-day maintenance and long-term management of the open spaces and woodland. In particular, neither document provides detailed costings or details of what works are required when and where. The Woodland Management Strategy, in particular, only includes part of Home Wood. In the circumstances, it is recommended that these documents not be approved and that further details be required as a condition or preferably sought prior to the grant of permission.

Trees and Landscaping

Based on the scheme submitted in December 2004, a number of in-principle objections were

raised by the Trees and Woodlands Manager to the submitted proposals. The principal issues related to the adequacy of the buffer zones to accommodate the proposed planting regimes. These reflected closely the concerns raised by the Parks and Open Spaces Manager and HBRC. They were reported to the Committee in March 2005 in relation to the outline application.

Amended layout plans and landscaping proposals were submitted in December 2005. Following a further period of formal consultation and neighbour notification, additional amended plans and documents were received in April/May 2006 to address a number of discrepancies, urban design issues and objections received from neighbours and consultees.

In response to these concerns, the following additional and revised plans have been received from the consultants James Blake Associates:

- Tree Survey and Schedules
- Arboricultural Impact Assessment and Method Statement
- Tree Survey drawing No. JBA05/41-TS01 rev. B
- Woodland Management Strategy
- Detailed Open Space Proposals drawing Nos. JBA05/41-05 to 11

In addition, there is an A3 Landscape Design Code brochure.

In accordance with the strategic aspirations of the Development Brief, the landscape proposals provide, inter alia:

- A continuous woodland and wildlife corridor between Home Wood and the boundary with Shendish Manor. This is shown to be provided by a mixture of tree planting in groups with an under-storey of native whip and shrub planting, together with long grass and short grass wildflower areas.
- Green corridor adjacent to the Shendish boundary an average of 20 metres wide. This provides for the retention of the existing hedge and tree belt on the boundary, together with the provision of short grass seeded areas with bulb planting groups and trees.
- New planting designed to extend Home Wood and the visual buffer provided by Home Wood to views into the site from the A414 spur road. This off-site proposal is a requirement of the Development Brief which will need to be secured by way of a s.106 agreement.
- Protection of important ecological and hedgerow features with buffer zones. These relate principally to the "preserved tree belts" that currently divide the site into three distinct fields. These are shown to be protected both by their exclusion from development and, during the course of construction works, by appropriate fencing. These areas will be transferred to the Council as part of a s.106 agreement and therefore subject to an element of control.
- A strong internal landscape framework including avenue planting along the principal street corridors. This is shown on the principle layout plans, but officers are concerned that this concept has not been successfully carried over to the detailed landscape drawings. As a result it is considered that the intended avenue planting is now substantially watered down and loses any strong sense of visual separation of the green corridor and its associated linear walk from the roadway. The visual enclosure of this area and the open space overlooked by Plots 201 to 204 is compromised.

Within this basic framework, more informal planting is proposed within the residential streets, 'home zones' and focal squares providing for both traffic calming and relief from on-street parking. This is in accordance with the desires of the Development Brief to create quiet pedestrian friendly residential areas. Hard and soft landscaping proposals are shown on the revised plans for the adoptable areas only.

In accordance with the requirements of the Parks and Open Spaces Manager, the diverted footpath 73 is to be surfaced as a 2 metre wide footpath and sited away from adjoining

residential areas with as few links as possible to ensure that the green corridor retains a semi-rural character. The remaining extended section of footpath would be a 1.5 metre wide rolled hoggin gravel footpath with timber edges. The Development Brief seeks a high quality of hard landscaping throughout and the submitted Landscape Design Code responds to this positively. The Trees and Woodlands Manager has requested that the status of the footpath leading to Home Wood on TWA3 be clarified as a Definitive Right of Way otherwise it could become blocked up. Similarly, clarification is requested with regard to the section in front of Plots 85 to 87 on TWA4 to ensure this does not result in a gap on the Definitive Map. These will need to be included under the recommended s.106 Heads of Terms.

Some residents have expressed concerns that a dense belt of vegetation 15 metres wide with no footpaths should be created along the Shendish Boundary in order to ensure a strong and defensible green belt boundary. However, this would be contrary to the aspirations of the Development and Design Brief 'Masterplan' of providing a greenway link for pedestrians and cycles within a linear open space. Whilst some re-enforcement of the existing tree belt will be appropriate, the provision of a dense planting belt will compromise this aim. Furthermore, the only requirement of defensibility in green belt terms is that the boundary should be clearly defined on the ground. This is achieved in this case.

A number of trees and vegetation are earmarked for removal, primarily to allow for the proposed Highway works and the principle of this at Featherbed Lane and other areas has already been accepted. The Trees and Woodlands Manager is satisfied that there would be no adverse impact from the development on any other existing trees or hedges shown for retention. The concerns of No. 85 West Valley Road are noted with regard to the loss of two trees. However, given their small size they would not be suitable for a TPO. Replacement planting around the proposed new public open space here will provide suitable compensation.

The submitted Arboricultural Impact Assessment and Method Statement recommends methods of construction and tree protection to keep the impact of the development to a minimum and states that all tree surgery and authorised felling will be carried out before any other site works. The Tree Survey shows, inter alia, a Root Protection Area (RPA) on the accompanying tree survey drawing where special construction techniques will be required and where service runs should not encroach without the consent of the LPA. Whilst tree protection is shown on the submitted plans, it is recommended that further details of siting be required by condition. Details of levels in relation to trees and adjoining property is absent from the submissions and the Trees and Woodlands Manager advises the submission of a levels plan prior to the grant of any permission. Details of all existing and proposed service runs are recommended as a condition.

On the latest landscape plans, officers are concerned that no details of landscaping are shown for the redundant area of King Edward Street that will no longer be required after the 'swan neck' is built. As a very minimum, officers would expect the tarmac to be removed and the area grassed over and shown on plans to this effect. However, officers believe that the proposals should go further and allow for hedges and tree planting (should services allow) together with footpath/cycle lane on this area. Furthermore, the road works here will result in the wholesale removal of mature trees from this corner to the detriment of the area, yet the proposed replacement tree planting is shown to be limited to a small group in the middle of the swan neck surrounded by extensive grass. This, in your officers' view, is unsatisfactory compensation and officers recommend that the proposals should be amended to re-establish the appearance of a wooded margin and the continuity of the hedgerow to Featherbed Lane rather than opening up the area with the appearance of a large "roundabout". The proposals would not be in-keeping and would result in the new houses at TWA3 being visually very exposed and prominent from a wide area.

Officers have a number of other concerns, inter alia;

- Footpath leading to Home Wood on TWA3 and in front of Plots 85 to 87 on TWA4 need to

be clarified as definitive rights of way and included within the 'footpath order'.

- Inadequate screen planting to Manorville Road properties.
- Absence of hardsurfacing details shown for the adoptable 'home zones' and residential streets.
- Absence of seating to the focal squares
- extent of knee rail fencing, which officers consider would give an unduly urban appearance to the green corridors. It would also make maintenance of the grassed areas more difficult for the contractors.
- Estate signage monuments at the entrance to the estate from Featherbed Lane are considered an inappropriate feature to this edge of urban site.
- Dominance of the proposed bus stop, which would both be emphasised by the additional hard surfacing and formal planting around it, and restrict the width and continuity of the green corridor.

Furthermore, both the Trees and Woodlands Manager and Parks and Open Spaces Manager have highlighted a number of concerns relating to the planting regimes, species, fencing, play equipment, street furniture, management operations etc. In the circumstances, officers do not feel that it would be appropriate to recommend the grant of permission without the satisfactory receipt of amended plans to address these issues. A landscaping condition is recommended with regard to the remainder of the development.

Ecological considerations

The site contains some important ecological features including Home Wood and substantial hedgerows within and on the edge of the site, meeting the requirements of the Hedgerow Regulations 1997. These features are to be retained and a Management Plan to be prepared for their maintenance and enhancement in accordance with the requirements of the Development Brief.

The applicants have submitted further Ecological Surveys and Appraisals, Tree Survey details, a Woodland Management Strategy and Landscape Management information over recent months to address issues raised in initial consultation exercises including the detailed objections raised at the outline application stage.

Grasslands

Grassland is typical lowland grassland of limited interest, or tall and weedy with evidence of sowing with non-native commercial grasses. A habitat survey of the grassland has however revealed that the presence of some rare grassland and it is considered that the translocation of suitable species into areas within the landscaping scheme may be appropriate. Where possible the applicants propose that these important grassland areas be allowed to remain in-situ. However, this is unlikely to be successful given the likely levels of construction activity.

The majority of the grassland community on lower Maxted Fields is suitable for translocation into landscape schemes and this is preferable in terms of wildlife value, to the creation of new amenity grassland. The translocation of large deep turfs, centred on key species and diverse assemblages is considered an effective method of moving plant communities and is suitable to safeguard uncommon species or augment existing grassland communities with species which are missing or found at low frequencies. The advice of Hertfordshire Biological Records Centre is that this method is likely to prove impractical. They consider that translocation should involve the collection of seed to be spread upon the prepared receptor site. A suitable methodology for the translocation of grasses will need to be discussed further and a methodology statement should be provided and implemented prior to the commencement of development upon site. This should be required by condition.

A survey and method statement is also required to establish any opportunities for translocation

of any quality grassland to other areas within the site. Further planting is required at the Featherbed Lane access point to mitigate against the break in hedgerow continuity in order to maintain a continuous wildlife corridor. Account of other wildlife such as bats must also be taken into consideration. Crucially, the Development Brief requires, inter alia, the creation of a continuous woodland and wildlife corridor between Home Wood and the open and wooded margins of Shendish, retention and reinforcement of existing important hedges within the site, and protection of important existing ecological features with appropriate buffer zones.

Protected Species

Initial species surveys were undertaken during February, which is not an appropriate time to survey for breeding birds, insects and plants. Hertfordshire and Middlesex Wildlife Trust recommend that further surveys be undertaken as a condition of any permission to determine whether reptile species and bats are present. Further survey works have been undertaken to identify whether protected species exist within the site.

Species surveys have identified the following:

Lizards - Common lizards have been found on the rough grass field margins of TWA 4. The majority of grassland is sub-optimal for reptile species and their occupation of the site is therefore likely to be tightly confined. These will need to be relocated and the site secured prior to the commencement of development. It is recommended that this be required by condition.

Bats – The site boundary provides important foraging habitat for bats. Potential bat roost habitats are present in mature and dead trees in Home Wood and to a lesser extent to site hedgerows. These areas are to be protected and effectively managed as a result of the application. In particular the south east boundary remains largely untouched by the development proposals and to some extent will be supplemented with works to the green corridor.

Badgers - A number of residents have also alleged that badgers are present on the site. These are protected species and as such detailed survey work has been undertaken. The latest Ecological reports indicate that although no badger setts were located within the site, badger activity was identified within the hedgerow subdividing TWA 4. It is clear that badgers are using fields and hedgerows within the site for foraging. The identified foraging areas are to remain undeveloped and badgers will naturally forage elsewhere as a result of development. HBRC do not consider that the impact of development upon foraging areas will be substantial nor cause justification for further amendment to the layout plan.

Hertfordshire and Middlesex Wildlife Trust have identified active setts in Cocks Head Wood approximately 10-15m from the site boundary. This will restrict construction activity adjacent to this area. The precise requirements are to be confirmed and will need to be suitably controlled in accordance with any advice received.

Home Wood

Home Wood is an identified wildlife site, an area of semi-natural ancient woodland. This woodland is to be transferred to DBC and the opportunity exists to improve both the management of this wood, create public access and improve its ecology.

Home Wood and adjoining grasslands will be enhanced through the management proposals to include a natural extension to the woodland, translocation of species-rich grassland from TWA4 and by creating links with new wildlife habitats within landscape schemes. The Hertfordshire and Middlesex Wildlife Trust endorses the proposals to protect Home Wood with a buffer zone and to extend the existing woodland area. Policies ENV3 and ENV4 would also encourage effective management of the woodland and the enhancement of woodland areas, as would Policies 99, 100 and 101 of the DBLP.

A detailed management strategy for the woodland has been supplied. However, officers are not satisfied with the approach used. Details, which remain unresolved at the time of writing, will be reported orally at the Committee Meeting. These will be effectively negotiated to the satisfaction of the Landscape Section of the Council as a requirement of the s.106 agreement or provided in accordance with conditions. Such details will not affect the general layout of this application.

Amendments to the plans have improved the relationship between the dwellings upon TWA3 and Home Wood to address the concerns raised by HBRC with regard to the proximity of built development. This appears to meet the required distances for tree protection although there is a need for this to be confirmed by the Trees and Woodlands Manager.

Green Corridor

The green corridor has been increased in size from its initial size to provide a relatively consistent depth of 20m in accordance with the wishes of HBRC. This is considered to meet the requirements of the Brief in relation to the width and requirement to have a green corridor around the perimeter of the site.

Conclusion

It is considered that the major ecological issues emerging from this application can be dealt with by condition. A s.106 legal agreement would be sufficient to secure the preparation of a fully detailed and costed Management Plan that both informs the required amounts for commuted payments and provides an ongoing maintenance plan. Some of the management plan requirements have already been prepared as part of the processing of this application and should be append to the S.106. Home Wood will be transferred to DBC and managed in accordance with the recommendations of the Management Plan.

Any further comments upon the implications of development upon the ecology will be reported at the meeting to reflect the advice of HBRC and Hertfordshire and Middlesex Wildlife Trust.

Community Facilities

The Manor Estate Design and Development Brief seeks the provision of land/financial provision of community facilities and a possible local shop. Excluding the normal requirement for educational provision, the developers have offered a sum of £300,000 for the provision of community facilities. The following areas have been addressed:

Education

There has been significant pressure for educational places at Two Waters Primary School and those schools within adjacent neighbourhoods as a result of residential developments within the Apsley area. This is likely to be exacerbated by the residential development of the area surrounding the existing Manor Estate.

Two Waters Primary School is a popular school within Hemel Hempstead which, as of January 2005, was at approximately 97% of its capacity in terms of pupil numbers (Study of Social and Community Facilities – January 2006). The existing Two Waters School is one-form entry, and at an early stage it was recognised that it may need to be expanded to a two-form entry school with the extension of the Manor Estate. Accordingly, it is a requirement of the Local Plan and Development Brief that an area of land by Two Waters School is safeguarded as a reserve site for possible school expansion, together with a financial contribution for education.

Since this application was submitted there have been significant declines in pupil numbers. Although studies show that Two Waters School remains at or close to capacity, there is significant spare capacity in other wards within Hemel Hempstead (Study of Social and

Community Facilities – January 2006). The background study of Social and Community facilities carried out in preparation of the Local Development Framework indicates that such capacity exists on a settlement basis to accommodate such growth. Furthermore, supply would appear sufficient to accommodate a growth in dwelling numbers associated with the draft Regional Spatial Strategy for the East of England (RSS 14) The key issue would appear to be how pupils are distributed on a ward basis to address local imbalances between supply and demand.

As a result of formal consultations with the LEA it is now clear that the expected increase in pupil numbers will not justify an extension to the school site, or the addition of further classrooms. It is understood that, whilst in the short-term, there will be an increase in pupil numbers, in the long-term there will continue to be a decline in numbers. The school governors have therefore indicated that they do not wish to expand unless this could be by a full form entry. Accordingly, the LEA has no reason to request that the additional land continue to be reserved for an expansion to the school.

The County Council has however stated that they would welcome funding to reconfigure the existing car park and create pedestrian access from the new estate. It has also indicated a desire for funding to pay for a coach/mini bus for a period of 5 to 7 years following the occupation of the first houses on the estate. The reason for this is that there will be an increase in children unable to secure places at Two Waters School with a resultant increase in car journeys to schools off the estate. It is understood that the over-capacity problem would initially rise to about 70 pupils in the first year, diminishing year on year to about 10 in the 5th year. Such provision would certainly be justifiable on sustainability grounds to help alleviate the creation of unnecessary additional traffic movements and encourage alternative less damaging means of transport. Policies 1, 49, 51 and 64 of the Local Plan give support to such forms of transport on the basis of applicants entering into planning obligations to cover the costs of any measures necessary.

The developer has agreed to make financial contributions of £50,000 towards engineering works on the school site together with £300,000 to fund a school bus service. This would be additional to the £250,000 already agreed by the developer as a subsidy towards the running of a public bus service. These benefits would need to be secured by a s.106 legal agreement.

Medical Facilities

It has been recognised that there is a requirement within the area for improved medical facilities to serve the needs of the expanding population of Apsley, Corner Hall and Nash Mills wards. Land has been allocated at TWA8 for Local Centre Development. Such a use would be appropriate within this area.

An application for a mixed-use development comprising such a medical facility has been approved in outline form subject to the completion of a s.106 agreement (4/02405/04/OUT). This facility would comprise of some 836sq.m on the TWA8 site.

Lincoln House Surgery is due to move to this location from 2007. However in order for this move to occur it is vital that appropriate sources of funding are in place for the scheme. A negotiated sum of £150,000 has been agreed for the development of this facility as a result of this residential development. This is considered reasonable in these circumstances. This would accord with Policy SS12 of RSS 14 and Policies 13, 67 and 70 of the DBLP.

Community Centre

An area is designated within the DBLP for the construction of a Community Centre (TWA20) off Featherbed Lane. This site was allocated for a small-scale community building should the need arise from the enlargement of the Manor Estate.

TWA20 is located between Featherbed Lane and the A41 to the north west of the existing Manor Estate. This is a fairly isolated location, well away from the majority of the new development in TWA4. As such it would be questioned whether this is the most appropriate site for the development of a new community centre.

A total financial contribution of £150,000 has been negotiated for the provision of community facilities within the Apsley area. It is considered that this could be more effectively allocated for the enhancement of community facilities rather than for the development of TWA20. Such options could include improvements to facilitate the 'Extended Schools' programme at Two Waters School, extensions/works to the existing Apsley Community Centre or contributions to facilitate development by any existing community groups (e.g. Scouts Hall).

Officers have negotiated a further option to develop on the "reserved site" for community purposes, however this would reduce the contribution to community facilities by £75,000. It should be noted that the site is not wanted by the LEA. As such it could reasonably be developed for other purposes, including residential, should an appropriate scheme be forthcoming. The negotiated option is considered to be reasonable given uncertainty regarding the need for additional facilities for community purposes and a perceived lack of confidence in the recommendation of the LEA. This would meet the requirements of Policies 13, 67 and 70 of the DBLP.

Local Shop

The Manor Estate Design and Development Brief discussed the provision of a shop on the application site as a possible benefit to local residents. This would provide a readily accessible facility such as a grocers/newsagent without the need to travel by car to larger facilities within Apsley. During the course of the application the concept of the local shop has been questioned on grounds of financial viability. The only viable site, on the "swan-neck", is unacceptable on highways and visual amenity grounds. Furthermore, the concept of a local shop is extremely unpopular with local residents. For these reasons a shop has not been pursued.

A contribution towards the subsidy of a local shop has been secured as a head of term on the outline application. This should be directed towards the subsidy of retail units upon the extension of the local centre, being developed in accordance with TWA 8 in the absence of a local shop upon the Manor Estate. This site is within walking distance of the Manor Estate and is considered a sustainable alternative to Sainsbury's.

Sports Facilities

The development of the site is considered to result in demand for sports facilities in accordance with the requirements of PPG17 and advice of Sport England. The requirement for such has been assessed in accordance with the Dacorum Sport and Recreation Study (from which the Indoor Facilities Assessment was published in March 2006). Outdoor recreational space in terms of parks and neighbourhood play sites is dealt with elsewhere in this report.

The proposed development does not specifically make any provision for additional indoor sporting facilities on the application site or through the provision of monies for the development of facilities elsewhere. However a contribution has been secured towards the development of a community facility. Such a facility is included within the Sport and Recreation study and could be effectively designed to accommodate such facilities as Basketball or Badminton Courts as well as meeting space for general community activities. This may address some demand issues arising from the development of the Manor Estate sites. Whilst the Indoor Facilities Study does identify latent demand for several indoor sports (basketball, badminton, martial arts etc), it was considered that this was insufficient to justify new buildings and could be accommodated by improving programming and management of existing facilities.

Although Sport England have objected to the lack of such provision it should be noted that the site is within reasonable proximity to the existing main Hemel Hempstead Sports Centre. Furthermore there is no specific requirement for sporting facilities (other than a junior football pitch) expressed through either the Manor Estate Development and Design Brief or site allocation policies (TWA3 or TWA4).

In view of the above factors and acknowledging the substantial contributions in terms of infrastructure improvements and the overall S.106 package, further sums for indoor sports facilities are considered to be unreasonable.

The proposed development has accommodated space for the provision of a junior football pitch (including safety margins) towards the southern corner of the application site responding to the needs arising out of the Council Playing Pitch Strategy 1998 and taking account of the recent assessment of outdoor facilities. The Outdoor Facilities Assessment follows the methodology contained in Sport England's "Towards A Level Playing Field" (2003) and uses the electronic toolkit. Although this study has yet to be published, the information for Hemel Hempstead is robust, identifying a surplus of adult pitches at peak times, even after latent demand and poor quality pitches are taken into account. The study reaffirms the need for junior pitches. This site chosen is considered most appropriate in view of its topography.

The proposal is therefore considered to meet the requirements stemming from PPG 17, Policy C4 of RSS 14 and Policies 72 and 73 of the DBLP.

Access, Parking and Highway Issues

Access works to the Manor Estate have been approved in principle under the outline application for the development of this site. Key off-site highway matters will need to be secured via legal agreements under section 106 of the Town and Country Planning Act and associated highways legislation and works agreements (S.278). The remaining key issues are the capacity of these measures to accommodate the number of units now proposed, the internal site layout, including highway features such as the bus gate and level of on site parking.

The proposed development was accompanied by a Traffic Impact Assessment (TIA) demonstrating that the site could accommodate the traffic generated by 340 dwellings with the improvements to the existing railway bridge and junctions to London Road. As such the traffic measures should be sufficient to accommodate the lower volume of traffic associated with the development as now proposed.

A number of representations have been received from shop owners in London Road objecting to the removal of public parking bays from London Road and the erection of guard rails. This is unfortunate given that outline approval has already been given in principle to the road works. In the circumstances, a refusal would be difficult to justify. As the detailed design of the road works will be a matter for Hertfordshire Highways under a s.278 agreement with the applicants, the objectors have been asked to contact that authority.

Bus gate

One of the major benefits to result from the development of the Manor Estate would be the provision of a dedicated bus route through the new estate and funding for the subsidy of the bus service. This would be secured through the S.106 agreement. The bus route would run along the spine road through the estate with a designated bus stop located opposite Plot 186 close to the school drop off area. This is reasonably accessible for the majority of existing and new residents, particularly given improvements to the linkage through to the school and High Ridge

Road.

In accordance with the wishes of local residents and in view of significant level changes across the site, the bus route is controlled through the provision of a bus gate to the south of Plot 203. This sub divides the site into two parcels on TWA4 and acts as an effective traffic management tool. Given the provision of the bus gate only 84 residential units are accessible from King Edward Street. This should limit the impact of traffic generation upon existing residents.

Funding has also been secured for the provision of a school bus service for a period of 5-7 years in order that initial demand for school places can be met (see above).

Such provisions are considered beneficial and necessary in meeting the requirements of Policies T1 and T13 of RSS 14, Policy 22 of the HSPR and Policies 51 and 64 of the DBLP.

Footpaths and Bridleways

The proposed development will require the diversion of public footpath 73 around the perimeter of the application site. However its diversion is considered to result in improvements both in terms of its linkage with other Rights of Way and through its extension around the whole of the new estate. A series of footpath links have been created through the estate and connect with the public open space formed by the green corridor. In accordance with the Manor Estate Development and Design Brief and the wishes of local residents there have been no vehicular connections with the existing estate. However footpaths have been created where possible thereby improving access to the open space. In addition the footpath across the railway line is to be improved providing better access to London Road and Sainsbury's.

The diverted footpath will need to be the subject of a diversion order and the extended route dedicated as a definitive right of way. The link from the top of Manorville Road will also need to be part of the formal dedication process. A 2 metre width will be required for dedication as a public footpath. However, to maintain the informal appearance of the green corridor, officers have requested that surfacing be limited to 1.5 metres along the extended section with 2 metres along the likely more heavily trafficked diverted section that will also serve the play area. Details of surfacing will need to be in accordance with HCC 'best practice' and secured as part of a s.106 agreement before the commencement of development.

Estate Access

Key urban design principles relating to access are expressed within the Development Brief as follows:

- It will have ready access by foot, cycle and passenger transport. There should be a safe integration of pedestrians, cyclists and traffic, providing vibrancy to the public realm and increasing movement options for people.
- A well-connected street network based on a 'grid' form.
- Treatment of streets less as roads simply for moving traffic and more as 'places', with houses fronting them rather than turning away.
- Increased opportunities for non-car modes.
- A well connected street pattern which incorporates formal spaces, overlooked by adjoining development, creating a place that is easy for people to make their way around.

The above principles have dictated a layout based upon a loose grid of streets with few cul-de-sacs, ensuring a wide choice of potential movement options so that walking and cycling are a viable alternatives to the car.

In accordance with the expressed desires of existing residents at the focus groups, there will be no vehicular integration with the existing Manor Estate roads, apart from King Edward Street.

However, there is an implicit requirement of the Development Brief to reflect good practice by facilitating good pedestrian and visual integration with the surrounding area via the existing cul-de-sacs. In these terms, it is considered that the proposal successfully achieves this at the top of West Valley Road and High Ridge Road and as an extension of the pedestrian footpath serving Two Waters Primary School. At the top of West Valley Road, two parallel cycle routes either side of the focal open space will link with the top of this cul-de-sac. The safety concerns of No. 85 West Valley Road have been addressed on the amended layout plans with the provision of cycle barriers.

Internally, the proposed layout will achieve good overall permeability through a comprehensive network of pedestrian and cycle routes and an absence of cul-de-sacs and dead-end streets. The proposals will assist in providing a 'legible' environment and linking residential areas with the open spaces.

Access within the proposed estate is assisted by the provision of the 'spine road' which is in accordance with the requirements of the Development Brief to provide a good public transport link. Local access roads feed off of this distributor road in quiet residential streets and 'home zones'. The layout and design of these roads has been prepared in close consultation with Hertfordshire Highways to ensure that it is in accordance with 'Roads in Hertfordshire a Guide for New Developments'. The introduction of the focal squares and 'home zones' will result in open public areas where pedestrians and cyclists can integrate safely with vehicles because of the very low speeds.

Concerns have been expressed by some residents that the location of the spine road does not assist the creation of a defensible green belt boundary because it would allow a developer easy access to develop land at Shendish Manor. It is suggested that it should be located such that houses front both sides of it with the green corridor to the rear of houses. However, this arrangement would be contrary to the Development Brief. Furthermore, it is likely to lead to a less secure environment for residences that back onto the open space and a less desirable area for members of the public to walk. Both of these would be contrary to "Secured by Design" objectives. Even if this were acceptable, it would be unlikely to dissuade a developer from demolishing houses in order to gain access to Shendish.

During the course of negotiations, amendments were sought by Hertfordshire Highways to the alignment of the spine road through the focal squares in order to ensure adequate forward visibility and visibility splays and to demarcate the actual road margins with raised kerbs. This has slightly watered down the original concept of the focal squares as distinctly enclosed and separate areas from the main spine road. However, with the further amendments to the layout of the buildings and roads, officers are satisfied that the proposals will still maintain the appearance of a series of 'static' and 'dynamic' spaces.

Entrance to the focal squares will be clearly defined by a change in surface treatment, vertical and horizontal alignment, thereby helping to reduce traffic speeds. Additional traffic calming measures are proposed on the remainder of the spine road in the form of 'speed tables' and 'cushions'.

Formal comments from Hertfordshire Highways are still awaited at the time of writing and any comments, including any conditions, received will be reported at the Committee.

Car Parking

The maximum standard set out in Appendix 5 of the DBLP ranges from 1 to 3 spaces depending on dwelling size. The Development Brief states that the Council will expect sufficient car parking to avoid overspill onto existing residential areas. Overall, the proposals would provide a car parking ratio of just over 2 spaces per dwelling. PPG3 requires an average of 1.5 spaces per dwelling in new development. Therefore the development is potentially

overprovided with car parking. However, given that there is a high proportion (nearly 70%) of large single family style dwellings of 3, 4, 5 and 6 bedrooms, this provision is not considered unreasonable. Furthermore, many of the dwellings have double garages and the creation of 2 additional spaces in front is unavoidable in many instances.

Provision of parking at 1.4 spaces per dwelling for the affordable component of the development is considered reasonable given potentially lower car ownership levels and the higher proportion of smaller units (87% of the affordable housing units being one and two-bed).

An important requirement of the Development Brief is to ensure parking does not visually dominate the development. In accordance with the Development Brief, a range of methods of provision has been adopted ranging from on-street parking in 'home zones', (mews court style) to traditional on-plot parking to 'parking court' provision.

In combination with the achievement of a high degree of enclosure, curtilage parking is mostly achieved behind or between buildings so that the street scene is not dominated by cars. Courtyard provision and garage courts are mostly provided to the rear of building lines or main frontages, or in some cases inconspicuously under carriage arches. Whilst large parking courts are necessary in some instances to achieve the densities sought by the Development Brief, these have been kept to a minimum and broken up by a combination of landscaping and pergolas as suggested by the Development Brief. On-street parking in 'home zone', 'shared surface' or mews court style is well suited to catering for visitor parking requirements as well as providing a more informal appearance that can have a traffic calming benefit. High quality hard surfacing will be essential as proposed by the Landscape Design Code and details will be required as part of landscaping and materials conditions.

Good natural surveillance is provided in accordance with "Secured by Design" principles by ensuring that habitable rooms overlook parking areas wherever possible. Integral parking has been incorporated into some of the three-storey units thereby allowing a more efficient use of land. A restriction on permitted development for conversion of garages to habitable accommodation is recommended. Overall, the amount and quality of parking is considered satisfactory and in accordance with the Development Brief and standards as set down in the DBLP.

Hertfordshire County Highways does not raise any issues with regard to parking provision or access. However, the formal comments of the Highway Authority are still awaited and any comments will be reported at the Committee.

Household Waste

The concerns of the Waste Services Manager are noted. It is acknowledged that there will be only one access from London Road. However, the bridge works and swan-neck will allow two-way traffic to access the site and is acceptable to the Highway Authority. With regard to the detailed layout of the estate roads and access points to individual plots, officers are not aware of any specific issues. Whilst it is acknowledged that some of the private driveways and courtyard accesses are very long and potentially would not afford easy access by a 6-wheeled freighter, being private, residents in these cases would normally be required to wheel their bins to the highway. Nevertheless, the formal comments of the Highway Authority will be reported at the meeting.

With regard to obstruction through on-street parking, comparison is made with the Apsley Lock development. However, that development had a much lower parking ratio on the basis of being a more accessible location. It has also suffered from a large number of garage courts, the enforced use of which has subsequently proved difficult to control, and to sub-letting of the apartments into multiple lets, all of which has led to on street parking pressure. The current development, on the other hand, has a lower proportion of flats, fewer garage courts and a

greater ratio of parking provision applied. Officers do not therefore believe there will be serious problems of obstruction to refuse vehicles or, indeed, emergency vehicles. Any obstruction would be a matter for the police and/or warden service.

The layout of the individual flat types shows space for bin storage integral to or within the curtilage of these blocks. Individual dwellings will have on-plot provision for bin storage. A condition is recommended requiring details.

The provision of public recycling points is guided through Policy 129 of the DBLP. New provision is limited to larger developments and in recent history this has led to a distinct lack of additional collection points. No public collection point is shown within the new development. However, there has been a significant growth in the home recycling service, the aim being to provide the majority of residents with a kerbside collection service for recyclables, including glass in early 2006. This may affect the use of existing sites particularly those not associated with supermarkets. It is expected that this will result in a reduction in demand for public recycling areas. Furthermore, given the improved walking links to the nearest recycling point at Sainsbury's in London Road, Apsley, officers do not consider that a public recycling point on the development site would receive much demand.

Archaeology

A programme of archaeological investigations has already been started in relation to the application site with a number of trial trenches having been examined. These have generally resulted in limited finds of historic interest and as such there are no archaeological features that would require preservation in-situ. Continued monitoring of the site should be carried out during the construction of the dwellings to ensure that any future finds go recorded. It is recommended that this matter be dealt with by condition in accordance with the wishes of the County Archaeologist.

Impact on air quality environment

PPG23 states that developments will require an air quality assessment where a significant change in air quality is expected or anticipated such as the building of residential properties in an area of already poor air quality. Typically, proposals that include new car parking in excess of 300 spaces, or developments located in areas of poor air quality should be considered for an air quality assessment.

The site does not fall within an Air Quality Management Area (AQMA). However, monitoring undertaken by Environmental Health on London Road, Apsley, indicates high concentrations of Nitrogen Dioxide. Furthermore, the development would involve in excess of 300 car parking spaces and therefore has the potential to trigger the declaration of an AQMA on surrounding roads. In the circumstances, it was considered that an air quality assessment should be undertaken to demonstrate the likely changes in air quality as a result of the proposed development.

The applicants submitted an air quality assessment in conjunction with the outline application. The study compares the base year (2004) with a do-nothing scenario and a do-something (i.e. the development) scenario at 2009 (the assumed completion year for the development). The findings from the generalised assessment indicate that there is an overall deterioration in air quality as a result of the development. This is primarily due to increases in traffic and is affected by the introduction of a large number of properties (i.e. there are more properties affected rather than that the level of pollutants is increasing). However, the predicted air quality concentrations for all pollutants under both scenarios are below the Air Quality Strategy objectives and EU Limit Values. Generally the level of pollutants decreases over time in both the do-something and do-nothing scenarios. The exception is CO₂ emissions.

The impact of construction traffic and works is potentially major with the scheme. However, a number of mitigation measures are set out in the report. It is considered that if planning permission is granted these measures should be required by condition.

It was noted that the study assumed a development at the Manor Estate of only 305 dwellings, rather than 340. Further information was requested as to whether the additional 35 dwellings was likely to prove significant. The air quality consultant stated that the only aspect that relied upon the number of dwellings was the regional assessment. The additional 35 properties means that there will be an increase in CO₂ emissions which results in a percentage change from the do-minimum to the do-something scenario for CO₂ of +8.59%. The previous increase was +7.52%. This figure has not been updated to take into account the latest reduction in the number of dwellings to 325. Advice of the EHO has been based on the higher provision of 340 residential units and the assessment provided for 305 units.

Environmental Health commented at the time that the report demonstrates the opinion that with current trends in cleaner fuels, vehicle emissions, energy conservation etc that air pollution levels will effectively decrease by 2009. The data is modelled information. However, the actual housing development would be unlikely to impact on air quality. Due to increases in traffic, it is likely that local pollution levels will rise in congested areas. However, due to averaging times used in calculating air pollution, these rises will be small and within the limits set by Government. It is therefore logical to conclude that the reduced development would also fall within these limits.

Sustainability Issues

PPS 1 requires future development needs to be met in a way that is consistent with the principles of sustainable development. This has been translated at both the Regional and Local levels through a general sustainability policy and a plethora of planning policies relating to specific issues including such matters as energy conservation, renewable energy use, water conservation and sustainable drainage.

In order to enable an assessment of these issues the applicants have submitted a Sustainability Checklist in accordance with the framework of Policy 1 and Appendix 1 of the DBLP. An Energy Consumption Statement has also been requested in accordance with Policy ENV 8 of RSS 14 and our SPD on Energy Efficiency and Conservation. This is intended to provide an assessment of predicted or likely carbon energy emissions reductions that can be achieved from the use of renewable energy technologies and other measures on the site as compared with a baseline scenario using conventional technologies and building methods. This ought to show that the development of the site would move substantially towards meeting the Government's target of 60% CO₂ reductions by 2050.

The Sustainability Checklist makes comments on land use, minerals and soils, waste, energy, air/water/noise and light, nature, community needs, employment needs, health, access, safety and aesthetics, reflecting the diverse use of the term 'sustainable'.

This document makes reference to the use of renewable energy sources, double glazing, appropriate insulation and condensing boilers, as efforts to minimise the use of energy and maximise energy conservation. Principal elevations are located between South West, South and South East in order to maximise solar gain. However, it is disappointing that no proposals have been put forward in detail for renewable energy and conservation measures.

Sustainable drainage methods such as a full use of permeable pavements, soakaways and provision of water butts to flatted schemes are suggested. As a minimum, these methods should be extended to all properties.

Such matters could be more robustly enforced through a requirement to provide a schedule of energy efficiency measures and water conservation measures per property and such a requirement can be achieved through appropriate conditions.

All properties will of course be required to meet Parts F (Ventilation) and L (Conservation of Fuel and Power) of the Building Regulations which has substantially improved the requirements for sustainable house building.

The Energy Consumption Statement submitted in relation to this application shows a total reduction in Carbon Dioxide emissions to 6882.53kg/c from the 8958.13kg/c baseline figure. This equates to a total reduction of 23.17% and may be further reduced through the use of solar water heating on a proportion of dwellings. The location of any solar heating panels will need careful consideration so as to maintain the aesthetics of the scheme. This document is considered to fulfil requirements of Part L of the building regulations. However at best the building techniques described have adequate 'green characteristics' and sustainable techniques could be better.

Impact on neighbours

Policy 11 requires that development should, inter alia, avoid harm to the surrounding neighbourhood and adjoining properties through, for example, visual intrusion, loss of privacy, general noise and disturbance.

Leaving aside the "in principle" objections of residents to the development per se, at the detailed level, it is considered that the overall layout of the development comprising 325 dwellings would preserve the amenities of the adjoining residential areas.

There have been ongoing negotiations with the applicants with regard to the detailed design and layout of the development, and officers are now satisfied that the proposals will not have an unacceptable relationship to any adjoining occupier. The impact of the proposals is considered in detail below.

Details of highway works have been considered before on the outline application. In these respects, it is considered that the road widening, bridge works and various junction improvements would not have any direct impact on neighbouring occupiers.

The provision of the "swan neck" configuration at the junction of King Edward Street and Featherbed Lane raises some concerns about loss of amenity for properties in Manorville Road that back onto this road. The proposed "swan neck" would swing round the back of No. 8, in close proximity to its rear fence. No objections have been received. Nevertheless, due to level differences, clear views into the rear garden of that property would be afforded for both motorists and pedestrians, resulting in a loss of privacy. It is also anticipated that there would be increased noise and visual intrusion to these properties, in particular No. 8. All existing trees would be removed from the corner and limited scope would be available for screen planting between the new road and the rear gardens of these properties near its pinch point with the rear fence of No. 8 Manorville Road. The matter was raised with the architects at

outline stage and cross sections were submitted to show the relationship between the dwellings and the carriageway, and screen planting proposals. Officers were assured that screen planting and high-density fencing could be provided at an appropriate height and position, so that these impacts could be mitigated. However, officers have only recently seen revised landscape drawings. The proposals show the planting of a screen buffer comprising a mix of, inter alia, Hazel, Holly, Yew and Elder. In addition, feathered species of Hawthorn and a Field maple are proposed, together with a standard Hornbeam on the corner. However, no details of fencing or levels are shown and therefore it remains unclear if the proposals will satisfactorily resolve concerns.

Further details have been requested and these will be reported at the Committee.

A number of residents have raised concerns about the impact of two and a half and three storey dwellings on the privacy and visual outlook of existing bungalows at the top of High Ridge Road. It is acknowledged that, due to the slope of the land, Plots 108 to 119 would be sited at a higher level than properties in High Ridge Road, and would be seen against the skyline. However, given the back-to-back facing distance of between 40 and 59 metres, the siting of these dwellings would exceed the minimum back-to-back facing distance of 23 metres as set down within Appendix 3 of the DBLP by a considerable margin. In the circumstances, it is not considered that a refusal could be justified on grounds of overlooking or overbearing impact.

The occupier at No. 85 West Valley Road raised objections on grounds of loss of light, privacy and overbearing impact from the adjoining plot (now Plot 100) due to its height and proximity to the side boundary. Amended plans address these concerns by re-siting the dwelling a distance of some 11.5 metres to the nearest flank wall. Officers are satisfied that there would be no harm to the amenities of that property, particularly given the intervening screen hedge.

With regard to No. 18 King Edward Street, amended plans re-orientate the adjoining house on Plot 84 to front the street, thereby avoiding any issue of direct overlooking here.

The concerns of the neighbour at No. 49 High Ridge Road are noted with regard to loss of views and privacy and the potential for noise nuisance from the proposed affordable flats at Plots 154 to 173. However, given the drop in land levels and the distance of some 40 metres to the boundary, officers do not consider there would be any significant loss of privacy or noise nuisance experienced. A landscaped buffer of some 5 metres would be provided between the proposed car parking area and the rear boundary of the objector's property, and there would be no overlooking windows in the flank wall of the block of flats (Plots 154 to 157).

Objections have been received from No. 24 Manorville Road on grounds of loss of privacy, loss of outlook, loss of sunlight and lack of consideration to any screen planting. However, given the significant difference in ground levels, and the distance of some 30 metres, officers are satisfied that there would not be any serious harm to the amenities of any Manorville Road properties from the development of the adjoining units on TWA3. The need for a sunlight/daylight report as mentioned by one of the residents is not considered necessary. With regard to screen planting, detailed proposals would be the subject of a landscaping condition. A combination of screen planting and fencing would provide appropriate privacy to the gardens.

Levels have not been submitted on any plans and will require approval as a condition to ensure a satisfactory relationship between the various parts of the development.

Issues relating to loss of view and loss of value are noted, but are not material planning considerations. General matters of increased noise, nuisance and vandalism are acknowledged and come hand-in-hand with any development. However, it is not considered that there are any areas where this would present such significant problems that permission should be withheld. The proposals have been carefully designed with the assistance of the Hertfordshire Police Crime Liaison Officer to ensure as secure and safe an environment as reasonably practicable

and to ensure the development achieves the nationally recognised “Secured by Design” award status.

Utilities

Foul Sewerage

The site is considered to have sufficient capacity in terms of foul sewerage infrastructure to accommodate the development of 325 dwellings on the site as confirmed by Thames Water Utilities. The development of the site does however require the provision of a pumping station adjacent the railway at the lower end of the site. This is a requirement of Thames Water. This facility needs to be located at the lowest part of the application site, needs to be at least 15m from residential units and needs to be accessible from the adopted highway and as such the location chosen is considered to be the optimal position. The pumping station will be developed in accordance with industry good practice. Landscaping around the pumping station should be robust and screen the unfortunate visual impact of this area within the green space. The occasional access will need to be appropriately surfaced (e.g. ‘grasscrete’ or similar) as part of the landscaping of the open space. The James Blake Associates landscaping plan will need to be amended from the indicated gravel.

Neither Thames Water nor Veolia Water have raised objections to the further extension of the water infrastructure to serve the application site. The concerns of residents to the potential for noise and odour nuisance are noted. However, the proposal will be some 90 metres from the nearest residential property and over 20 metres from the nearest new property. Environmental Health has advised that the pumping of sewage can cause very offensive odours not only at the retention site but also at the watershed area where the rising pump main discharges - in this case at King Edward Street. They have advised that in the event of a smell nuisance caused by the proposed pumping system, the Water Authority will not adopt nor will they adopt if the ‘wet well’ has to be dosed with a sewage conditioner. Control will therefore fall to Environmental Health. At the request of Environmental Health, further information has been received from the applicants on the design and specifications of the system. This indicates that the pumping station will be designed in accordance with “Sewers for Adoption”, a nationally agreed document published by Water UK and WRC plc. The design of the station will be undertaken by a specialist contractor and during construction will be inspected by Thames Water Utilities inspectors. Responsibility for maintenance will fall to the contractor during the period before adoption.

Given that the pumping station will be adopted by the sewerage authority under a s.104 agreement and therefore needs to be built in accordance with industry standards, the likelihood of smell nuisance is considered to be low and any responsibility for offensive smells will fall to it. In the circumstances, officers do not consider that a refusal could be justified on grounds of smell nuisance. Environmental Health has stated that the additional information is all we could ask for.

Surface Water Drainage

The Development Brief states that the development must incorporate measures to reduce surface water runoff. Thames Water have stated that surface water run-off can discharge to the existing surface water sewers but will require attenuation for the 1 in 30 year storm event. However, site investigations have indicated that the ground is suitable for soakaways. The Environment Agency has stated that soakaways are acceptable but due to being within a groundwater protection Zone 2 area, all car parking areas and highways must have deep trap gullies and discharge to an interceptor prior to outfall to the soakaway. The applicants have stated that the development will be split into private house soakaways, car park soakaways (including petrol/oil interceptor) and adopted highway soakaways (including petrol/oil interceptor and deep trap gullies).

These proposals would appear to constitute a sustainable form of drainage in accordance Policies 1 and 124 of the DBLP. Further details of sustainable drainage are recommended as a condition.

Public Art

The provision of public art is encouraged under Policy 115 of the Local Plan and can make significant contributions towards the appearance of an area. A small sum of money will be secured by a s.106 agreement and a proposed site has been secured at the top of West Valley Road. Additional scope exists within the site for innovative planting and additional works within the focal squares and possibly at entrance features (including that shown either side of the spine road opposite Plot 87). This could extend to the design of street furniture, surface areas and design of play equipment. It is suggested that a design for the public art could be run as a competition.

Village Green

The County Council has determined that an application to have land at Maxted Fields registered as a Village Green under the Commons Registration Act 1965 has failed. This means that the site would not be protected as open land under PPG 17, thereby preventing development.

Conclusions

Means of access to the site via Featherbed Lane and King Edward Street, together with the associated highway improvements has already been accepted in the resolution on the outline application and the full application carries forward these same proposals. The plans have been amended to address issues previously raised in respect of open space provision and detailed highway and design matters and, subject to no objection from Hertfordshire Highways, the overall layout and dwelling types are considered acceptable. However, there are still one or two issues still to be resolved on the layout plan, including the status of the footpath on TWA3 leading to Home Wood and the status of the link in front of Plots 85 to 87. Amendments stemming from other potential changes to the landscape proposals will also need to be incorporated. Numerous issues have been raised by the Trees and Woodlands Manager and the Parks and Open Spaces Manager to the details shown on the submitted landscaping plans for the adoptable open spaces. In particular, how the closed portion of King Edward Street is to be treated. These will need to be amended prior to the grant of permission. Whilst there is now an acceptable relationship between trees and buildings, concerns are raised with regard to the absence of any levels. It is considered that a detailed levels plan will be required before the grant of permission to ensure a satisfactory relationship between trees and buildings. Discrepancies between the layout plan and the Arboricultural Impact Assessment are also noted such that the Report will need amending; again, prior to the grant of permission. Both the Parks and Open Spaces Manager and the Trees and Woodlands Manager have identified glaring omissions from both the overall Management Plan and the Woodland Management Plan. Neither of these are acceptable despite amendments because neither provides detailed costings nor details of what works are required when and where. The Woodland Management Strategy in particular only includes part of Home Wood. In the circumstances, officers recommend that delegated authority be given to grant permission only these issues have been satisfactorily resolved and a legal agreement has been signed.

RECOMMENDATIONS

- (1) That determination of the application be **DELEGATED** to the Development Control Manager with a view to approval subject to the expiry of the neighbour notification period, the receipt of satisfactory amended plans to address outstanding issues of relating to landscaping, and the management plans and completion of a planning

obligation under section 106 of the Town and Country Planning Act 1990.

(2) That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

- The provision of 35% (114 units) affordable housing comprising an appropriate mix of rented and shared ownership units;
- A financial contribution of not less than £150,000 towards the provision of a GP surgery at London Road, Apsley, Hemel Hempstead;
- A financial contribution of £50,000 for the provision of facilities associated with the development of Two Waters School;
- A financial contribution of not less than £300,000 for the funding of a school mini-bus service to bus school children to and from other schools off the existing and extended Manor Estate;
- A financial contribution of not less than £50,000 per annum for the first five years for the provision of a public bus service to serve the new estate;
- A financial contribution of not less than £150,000 for community facilities, of which £75,000 would be repayable subject to the purchase of land for the provision of a community facility;
- The provision of a local shop, if required, together with a financial contribution of not less than £5,000 per annum for the first five years as a subsidy to underwrite its economic viability should the need arise otherwise to be spent upon community facilities
- The provision of a local shop, together with a financial contribution of £5,000 per annum for the first five years as a subsidy to underwrite its economic viability should the need arise.
- The provision of surface improvements to the 'snickets' on the existing Manor Estate, subject to the agreement of residents and landowner(s)
- The temporary relocation of the existing LAP during the period of relevant construction phase.
- The provision and transfer to DBC of properly landscaped and equipped public open space areas including a neighbourhood open space, LAPS, LEAPS and NEAPS, together with the Green Corridor.
- A financial contribution towards the ongoing maintenance of the public open spaces, landscaped areas, equipment etc.
- The preparation and transfer to DBC of land at Home Wood (both sides of Featherbed Lane) as public open space.
- A financial contribution towards the ongoing management, planting and maintenance of Home Wood.
- The production of a properly costed and detailed Management Plan for landscape design, ecological enhancement and future management of all the public open spaces, landscaped areas and equipment that will be adopted by DBC, including access and management arrangements for Home Wood.
- A financial contribution of £3,000 for community planting projects on the Manor estate extension and/or at Home Wood or other sites to be determined.
- The provision of off-site tree planting adjacent to Two Waters Way.
- Compliance with relevant codes of practice for the construction industry.
- A financial contribution of £7,500 for the provision of public art within the new development.
- A financial contribution for the provision of Library facilities
- The provision of fire hydrants.
- A footpath Diversion Order to divert public footpath 73 including the creation of a definitive Right of Way along the green corridor and into Home Wood from TWA3.

The provision of Highway Works to include, but not be limited to:

- Modifications to existing junctions of Featherbed Lane/London Road and London Road/Orchard Street
 - The construction of a new railway crossing at Featherbed Lane, including pedestrian footway and the realignment and widening of Featherbed Lane
 - Relocation of the Featherbed Lane and King Edward Street junction
 - The construction of a roundabout in close proximity to the A41 over bridge
 - The construction of a controlled bus link through the site
 - Improvements to the existing pedestrian and cycle links including improvements to the Kents Avenue railway bridge
 - The provision of an interim solution of traffic light control at the junction of King Edward Street and Featherbed Lane pending the completion of the new road bridge
 - The lodging of a 'bond' with the Highway Authority, if required, pending the completion of all relevant highway works and access improvements, to apply at the substantial completion of the 50th dwelling should the road bridge not have been completed at that stage
 - Regulation of construction traffic along King Edward Street during the period of construction with Featherbed Lane (near the A41 over bridge) as the key point of access
 - The provision of appropriate maintenance payments for traffic signals, signs, supervision fees and other requirements as may be determined including new signage to Durrants Hill Road car park (TWA 11) and new parking bays to London Road, where possible.
- (3) That any variation to the agreed heads of terms is also applied to application 4/02329/04/OUT.

Provisional Conditions

Please note that these conditions are in draft form. They will need to be amended or added to subject to further review by Planning and Legal Officers, the receipt of additional information from the applicant and/or further comments from any Statutory Consultee.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of any part of the development hereby permitted a plan showing how the development will be phased and implemented shall be submitted to and approved in writing by the local planning authority. The phasing plan shall show each separate phase of development and provide details of start and completion dates. Phase area boundaries shall be contiguous with each other. The development shall then be carried out in accordance with the approved phasing details, unless the local planning authority gives its written consent to any variation.
3. Prior to the commencement of the development hereby permitted details a scheme for foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff so that it does not discharge into the highway. The approved drainage measures shall then be provided before any part of the development is first occupied.
4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This condition will only be discharged when the local planning authority has received a report of all of the

archaeological investigations.

5. Prior to the commencement of any part of the development hereby permitted a plan showing all trees to be retained within the area of construction works and measures for their protection during construction works shall be submitted to and approved in writing by the local planning authority. Before any development begins within any separate phase of development, the approved measures for tree protection within that phase area shall be put in place. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above. Construction works include any ground clearance, demolition or excavation. No materials, plant or equipment shall be stored or deposited and no mixing of materials shall take place within the area(s) so protected.
6. Prior to the commencement of any part of the development hereby permitted full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include details of all new hard surfacing materials (including car parking areas). Soft landscape works shall include planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment, schedules of plants and trees (noting species, plant sizes and proposed numbers/densities where appropriate) and maintenance programme.
7. Prior to the commencement of any part of the development hereby permitted a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved by the local planning authority. The land shall then be managed in accordance with the approved plan for a period of ten years following the commencement of development.
8. The approved landscaping scheme relating to each separate phase area shall be implemented by the end of the first planting season immediately following the completion of that phase of the development (a planting season means the period from 1 October in any one year to 31 March in the next following year). Any approved landscaping falling outside of any phase area shall be implemented by the end of the first planting season following the completion of the last phase of development. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any parts of the landscaping scheme which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.
9. Prior to the commencement of any part of the development hereby permitted details of facilities for the storage of refuse for the flat blocks shall be submitted to and approved in writing by the local planning authority. The approved facilities for refuse storage shall then be provided before the flat block that they relate is first occupied.
10. No construction works relating to this permission shall be carried out on outside the following hours:

Monday to Friday	07.30 hours to 18.00 hours
Saturday	08.00 hours to 13.00 hours

There shall be no construction work on Sundays or Bank Holidays.
11. Prior to commencement of the development hereby permitted details of facilities for washing the wheels of construction vehicles leaving the site shall be submitted to and approved in writing by the local planning authority. Wheel washing facilities shall then be provided in accordance with the approved details prior to the commencement of constructions works and shall thereafter be maintained and operated for the duration of

construction works.

12. Prior to the commencement of the development hereby permitted details of facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site shall be submitted to and approved in writing by the local planning authority. The approved parking facilities shall then be provided prior to the commencement of construction works and they shall thereafter be retained for the duration of construction works unless otherwise agreed in writing by the local planning authority.
13. Prior to the commencement of the development hereby permitted details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
14. No development shall take place until details of fenestration, rainwater goods and fascia boards of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
15. Prior to the commencement of the development hereby permitted details of the materials proposed to be used on the surfaces of the proposed extended and diverted definitive rights of ways and details of their width, 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.
16. The development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on the approved plans shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.
17. Prior to the commencement of the development hereby permitted a scheme indicating all of the proposed means of enclosure within and around the site whether by means of walls, fences or hedges. The approved means of enclosure round the external boundaries of the site shall be constructed, erected or planted prior to the commencement of other construction work on site and the approved means of enclosure within the site shall be constructed, erected or planted at the same time as the buildings to which it relates are constructed.
18. The development hereby permitted shall not be occupied until the roadway, access, turning and circulation areas shall have been laid out and substantially constructed.
19. Condition requiring the removal of permitted development rights for new windows, extensions, outbuildings and fencing to certain plots/areas of the development.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the garage hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and it shall not be converted or adapted to form living accommodation.
21. Prior to the commencement of the development hereby permitted further details of the open spaces shall be submitted to and approved in writing by the local planning authority. These details shall include [to be advised] . The development shall then be carried out in accordance with the approved details.
22. Prior to the commencement of the development hereby permitted further details of the

area for community planting shall be submitted to and approved in writing by the local planning authority. These details shall include [to be advised] . The development shall then be carried out in accordance with the approved details.

23. Prior to the commencement of the development hereby permitted details of a method statement for the translocation of areas of important grassland shall be submitted to and approved in writing by the local planning authority. These details shall include [to be advised] . The development shall then be carried out in accordance with the approved details.
24. Prior to the commencement of the development hereby permitted a scheme showing how protected species of animals present on the site will be accommodated within the design/layout shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
25. Such conditions as may be recommended by the Highways Authority.
26. No development shall take place until details of the proposed finished levels or contours of the site and proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed with the approved levels.
27. Prior to the commencement of the development a detailed air quality survey shall be carried out to establish the existing air quality in the vicinity of the building and the results of the survey shall have been provided to the local planning authority, together with a scheme which shall specify appropriate design and other mitigation measures in order to minimise any adverse impacts on the occupiers of the buildings. The development shall be constructed fully in accordance with the scheme as approved before any residential property is occupied.
28. Notwithstanding any details submitted, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide measures for water/energy efficiency and water/energy conservation shall be submitted to and approved in writing by the local planning authority. The approved efficiency and conservation measures shall be incorporated into the development.
29. The development shall be constructed fully in accordance with the approved plans and particulars, unless otherwise agreed in writing by the local planning authority.
30. Further details of pumping station.
31. Prior to the commencement of the development hereby permitted further details of the swan-neck shall be submitted to and approved in writing by the local planning authority. These details shall include [to be advised] . The development shall then be carried out in accordance with the approved details.

INFORMATIVES:

- The applicant is advised that vehicle access for fire service vehicles should be constructed in accordance with Section 17 of Approved document B of the Building Regulations 2000 where applicable.

Particular attention should be paid to table 21 and diagram 50 of above document.

- The applicant is advised that water supplies for fire fighting purpose should be provided and sited in accordance with BS5588: Part 5: 2004.
- The applicant is advised that there are public sewers crossing this site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building/development work please contact Thames Water on 0845 850 2777.
- All units should have level access and accessible thresholds in order to comply with the current Building Regulations.

ANNEX A

SUMMARY OF REPRESENTATIONS RECEIVED IN RESPECT OF APPLICATION

Apsley Community Centre

No comments received

Access Officer:

Original Plans

Units should have level access and accessible thresholds. Unit G1 toilet door to open outwards. WC layout needs to be amended on ground floor units G, T, U, P and type C1 and D1.

Amended Plans

No comment

Building Control:

Original Plans

Accessibility to dwellings and around parking areas will require careful consideration given the sloping nature of the site. Fire brigade access may also be contentious.

Amended Plans

Care should be taken to ensure that fire brigade access is not obstructed by planting schemes or traffic calming pinch points.

Environmental Health:

Original Plans

Obviously a development of this scale will inevitably have an effect on the on the existing environment. The increased traffic resulting from the new homes will increase noise levels in the area and will reduce the quality of the air.

In addition, the construction process will cause disruption and disturbance to the surrounding area from traffic movements, construction noise and dust etc. As such the developer should be required to have regard to the BRE Pollution Control Guides 'Controlling particles, vapour and noise pollution from construction sites'. A restriction on hours of working should also be imposed.

The windows/glazed areas in all habitable rooms should equal at least 10% of the floor area of the room. Natural ventilation should also equal at least 5% of the floor area in these rooms.

Air Quality Assessment

Summary

The data presented is modelled information, using information both current and that extrapolated from old data that is available. The actual housing development is unlikely that local pollution levels will rise in congested areas, however, due to the averaging times that are used in calculating air pollution, these rises will be small and well within limits set by the Government.

Comments:

Please be advised that these comments follow conversation with Hertfordshire County council Highways, DBC Planning and the Consultants responsible for the air quality report. The Environmental Health Division has no models or data to compare the report to and therefore reliance is made on the integrity of the authors and the information given during our conversations.

Having read the air quality report and studying the maps provided I had the following queries:

- (a) the reliability of the sources for the data used in the models*
- (b) the possible congestion of traffic at the junction of Featherbed Lane and London Road, leading to increased localised air pollution*

The latter first; I discussed traffic flows with Highways and was informed that the modelling that has been undertaken suggests that the improvements to the roads and junctions would ease congestion and that the additional traffic had been allowed for in the modelling. I raised concerns that although new traffic layouts may ease congestion in the area, there is a bottleneck at Featherbed Lane and car owners would "rat run" the supporting streets in order to get onto the London road. From experience of being stationary on the A41 bypass due to congestion at the Two Waters traffic lights, I am fully aware how congested this area can become, especially early in the morning. The existing streets around Featherbed Lane have residential parking on each side of the street which supports parking for residents, their visitors, and customers and employees of the existing business units in this area. With the current congestion that is experienced, I feel that the additional traffic from 335 premises would invariably only add to that congestion and provide additional line sources for air pollution.

At this point, it is worth noting that vehicles pollute most when starting up and when idling.

Air Quality – contacted Hyder Consulting and talked to the author of the report and his manager – to clarify the information that was being presented. In particular the fact that the addition of some 335 properties and the associated traffic would actually see a decrease in air pollution for the area by 2009.

I was informed that the predicted air quality figures are derived from standard models used by air quality experts. The data that is entered into these models is from a variety of sources, which I was informed is standard practice. I understand that no physical monitoring for air quality – to provide current data has been undertaken, relying solely on modelling of data from alternative sources (please note there are referenced in the report).

The consultant is of the opinion that the accuracy of the sources is reliable and it is standard practice to use these sources.

There are many factors that are included in the models. To be brief, they suggest that with

current trends in cleaner vehicle fuels, cleaner vehicle emissions, energy conservation in properties, resulting in less fossil fuels to be burnt, climate changes, improved transport links, alternative transport etc, air pollution levels will effectively decrease by 2009. I feel that this report demonstrates this opinion.

Amended Plans

Drainage

The pumping of sewage can cause very offensive odours not only at the retention site or 'wet well' but also the area to which the rising pump main discharges. I think I am right when I say that the proposed riser will discharge into a public sewer in King Edward Street, which is the responsibility of the Local Water Authority. In the event that there is a smell nuisance caused by this pump the Water Authority will not adopt and so the control will fall to EHO'. Rather than give a list of potential problems to address it would not be unreasonable to ask the developer to comment on the proposals to control smell nuisance from the use of a pumped system. They have not addressed nuisance odours other than for the siting of the pump at 15m from habitable dwellings. They mention an attached example of one that has recently been approved. Does that include nuisance at the discharge point?

I can assure you if there are any problems with this pump system the Water Authority will not adopt it

I would recommend that since the applicant is not addressing the potential of smell nuisance the management and maintenance of the pump system up to and including the point of discharge is maintained and operated so as not to cause a smell nuisance. In all honesty this is rather vague as far as enforcement goes and I guess that if the problem did occur then Environmental Health would take action under the nuisance provisions or drainage law. Perhaps an informative along the lines of:

"The operation and maintenance of the pump should be carried so as not to cause a smell nuisance at any point up to and including the discharge point prior to the adoption of the pumping station.

Until its adopted its an Environmental Health problem and if there is a problem Water Authorities will not adopt nor will they adopt if the 'wet well' has to be dosed with a sewage conditioner.

The following points are noted:

- Any system that retains and stores raw sewage has the potential to become a smell nuisance and is caused by the action of the decomposition process and in particular the production of the gas which is known as Hydrogen Sulfide.
- There are certain design parameters that will reduce the risk of smell from pumping systems that could be addressed at the planning stage.
- The applicant could supply these details along with the application as a detail drawing and should include:
 - ↓ A benched floor to the wet well to ensure the wet well is completely emptied at each pumping cycle.
 - ↓ A non return valve to stop the wet well refilling from the rising main
 - ↓ The rising main should be of the smallest feasible diameter to avoid large quantities of raw sewage being retained therein.
 - ↓ The pump out cycle of the wet well should exceed the quantity retained in the rising main.

Housing:

Original Plans

Looking at the plans it would be preferable for the rented units to be more evenly distributed throughout the scheme, particularly for there not to be such a high concentration, 52 units, in one area – in effect segregating the rented area of the development. It also appears that although there are a substantial number of family sized units, there are few “local areas of play”. As previously stated we would wish to see the rented units more evenly dispersed.

Interim Revised Plans

The revised plans showing the rented and shared ownership units more evenly distributed around the development is now acceptable. We would support this scheme on this basis.

The affordable housing element of this development will provide much-needed, suitable accommodation in this desirable area.

The scheme looks a lot better having the units more dispersed, from a housing management point of view the areas will still be relatively easy to manage and may not cause the same (number) of issues had the original concentration of units been implemented.

Interim Revised Plans 2

Further to our meetings regarding the above site I would make the following points regarding the latest layout:

- (1) I have concerns regarding the dominance of affordable housing in two areas, plots 153-184 and plots 1-41. I was hoping that the affordable housing would be spread over five sites.*
- (2) I would have hoped for a greater mix of “affordable tenure”. Plots 1-41 are dominated by rented accommodation and a better mix of shared ownership could be achieved in some blocks. Some rented accommodation could be introduced into the area of shared ownership properties on plots 259-276.*
- (3) The aim for a better grouping of the social housing is to enable better integration with the open market units, thereby incorporating the Governments agenda on social inclusion.*
- (4) There is also a necessity to keep the shared ownership predominantly to smaller units, to keep them affordable. I would like to see most of the three bedroom houses and all four bedroom properties to rent.*
- (5) I am satisfied with the balance of affordable housing on TWA 3.*
- (6) It is necessary for all affordable housing to meet the Housing Corporation scheme development standards.*

Discussions relating to the provision of a fifth area of affordable housing have been held with the applicants who consider it difficult to achieve a fifth area of affordable housing and remain true to the Manor Estate Development and Design Brief. If it will enable the delivery of affordable housing to be speeded up then I would be willing to concede on the fifth area for a better distribution of tenures across the four proposed areas.

Amended Plans

Any comments received will be reported at the meeting.

Valuation and Estates:

Original plans

The Council owns the playground site at the end of King Edward Street, which is included in the development. The land is subject to various covenants which are presently being investigated. No application has been received to my knowledge in respect of its purchase.

Amended Plans

The existing play area is I understand to be relocated within the site. These matters require the input of Landscape Services and Estates.

Waste Services Manager

Original Plans

Designs similar to Apsley Lock Development. Problems that still exist are:

- *Insufficient parking bays available*
- *Blocked access to bin cupboards*
- *Insufficiently access for vehicle*

All the above arises from lack of parking bays for residents.

Concerns raised (on Manor Estate) are:

- *Only one exit/entry into complex from Hemel (London Road area)*
- *What space is allocated for storage of wheeled bins/boxes*
- *Identified collection points/areas for residential properties*
- *Identified areas for recycling points for flats*
- *Refuse sheds, designed to hold sufficient containers for (number) of residents in block*
- *Full access for standard size 6 wheeled freighter*
- *Insufficient parking allowances forcing residents/visitors to park on roadside and corners*

Amended Plans

Same concerns as above.

Rights of Way

Original Plans

Requests an extension to the rights of way network via a s106 agreement. The s106 route would measure approx. 1.4km. Using the current access for Bridleway 139, Chipperfield Road, in conjunction with King Edward Street, a circular route of 2km is created. In addition, the route would link, via Featherbed Lane bridge, with byway 72, a host of minor roads and other parts of the PROW network. The route would serve as a safe escape from the estate for both pedestrian and horseriders (+ cyclists) and open up access to the wider countryside.

Interim Revised Plans

Would ask for the line of the footpath from the pumping station to block 55-58 to be located within the Green Corridor. Concerned that the path will, at this point, be a paved, urban pavement. Otherwise relatively happy with the proposed line.

Have we specified surface type and width yet, or is it too soon?

Interim Revised Plans 2

- (1) *It will take approx. 6 months to divert the existing footpath, once full planning permission is granted (under TCPA). As the existing path cannot be disturbed until the diversion is legally complete it would be in the applicants interest to deal with this issue as soon as permission is granted.*
- (2) *I am unsure as to whether the applicants are aware of the process of dedication for the new, extended route. If not Carole Young at Herts CC is willing to assist to avoid future problems.*
- (3) *Would it be possible to confirm the width of the proposed footpaths? The plan appears to show the diverted section as 2m wide and the dedicated section as 1.5m.*
- (4) *Ol would reiterate that the construction of the path should be in line with HCC 'Best Practice' guidelines, i.e. depth of sub-base and surface, materials used etc.*
- (5) *At the end of Manorville Road the link to bridleway 139 is marked as a 'potential link'. Can this be confirmed as part of the dedication? This way the rights of way network will be continuous, possibly preventing problems in the future.*

Latest Amended Plans

1. Just to remind you that the existing footpath will need to have been legally diverted before works affect the current route.
2. Are the developers/landowners aware of the process of dedication for the new extended route? If not it would be best for them to liaise with Carole Young at HCC.
3. Have we now agreed on surfacing the entire route with crushed concrete to HCC best practice spec. I can provide a copy of this if necessary.
4. The path to be dedicated is to be 2 m wide. I know we agreed that 1.5 m of surfacing would be adequate but the plan (4/02419/04) shows the diverted section as 2m wide and the new section as 1.5 m. Is this accurate? I have no problem if it is I just wondered why this is the case.
5. At the end of Manorville Road there is a potential link marked to the existing bridleway. I would ask that this is made part of the dedication agreement otherwise the network would not link up.

Trees and Woodlands

Original Plans

I would comment as follows on the proposed site layout, which I have considered in conjunction with the Landscape Appraisal Report and the Landscape Strategy and Management Plans. N.B. These comments are also applicable to the Outline application ref. 4/02329/04/Out.

Site Layout – Sheet 1 (Drawing No. P.002)

1. *The width of the 'Green Corridor' along the southern boundary of the site was intended to be 20 m. This has been interpreted as 20 m to the building line which means that the main spine road, the bus link and other access roads are within the 'green' corridor. The tree-lined avenue envisaged through the development in the Masterplan, has also been lost. The green part of the corridor has been reduced to a narrow strip of between 11 and 13m which is mostly overhung by trees on the Shendish side of the boundary. The character of the green corridor relies almost completely on trees which are off-site and would be required to protect these trees from damage during development in any case. The corridor has the appearance of a section of left-over land and does not relate well to the adjacent houses.*

- 1.1. *I consider that the green corridor should be a meaningful width to provide useful open space outside the tree canopies along the Shendish boundary. The section along the railway line is about 37 m to the building line and perhaps this could be reduced in width to compensate. It is not clear why it is necessary to provide such a wide strip along this boundary.*
- 1.2. *The proposed footpath diversion is indicated as a Cycleway as well. It is not clear why these have been combined as the existing public footpath is not a cycle way.*

The Landscape Appraisal Report in S.5.3, and on plan LO6 refers a network of new greenways along existing hedgerows, providing improved access to the countryside beyond. These do not appear to be included on the site layout. If the green corridor is widened, an informally surfaced footpath could be provided to link up all the green spaces around the site. This would be useable by wheelchairs and pushchairs and would provide a valuable recreational resource.

2. *Site Layout – Sheet 2 (P.003)*

- 2.1 *The comments on the green corridor above are also applicable here.*
- 2.2 *The preserved tree/hedge belt between Plots 160 and 161 is extremely cramped by the proposed development. Even the recommended buffer zone of 4 m is not achieved and I do not consider that 4 m is acceptable in any case. The relationship with Plot 160 is particularly problematical as the house and garden will be dominated by the tall hedge. There would be insufficient space for construction even on level ground and it is not clear what the change in levels are at this point. A cross section through Plots 160 and 161 and the tree belt would be useful.*
- 2.3 *It is not clear why the Neighbourhood Green Space does not extend into the southern corner of the site, which is part of the application site. The space as indicated does not appear to be large enough to accommodate all the identified needs, particularly the habitat enhancements proposed in the ecological assessment. The landscape plan should indicate on a plan how the area is to be zoned accordingly to use i.e. football area, close mown amenity grass, species rich grass land, tree planting areas etc.,*
- 2.4 *The pedestrian/cycle paths use private drives and garage forecourts for part of their length. Is this likely to be acceptable to residents?*

3. *Site Layout – Sheet 3 (P.004)*

- 3.1 *Adjacent to Plot 234, the ecological report recommends a Buffer zone of 10 m, but a garage forecourt area is shown right to the site boundary. This is likely to have a detrimental effect on the mature trees in this area.*
- 3.2 *Along the same boundary, I consider that Plot 239 is unacceptably close to the mature Oak trees on the site. The crown spread on the plan has been under estimated and is actually 11 m according to the arboricultural survey. This will dominate the proposed dwelling and lead to the pressure for pruning and/or removal. Plot 239 should be moved well outside the crown spread of the trees.*

I would suggest that to avoid these important trees ending up within a private garden, the LAP adjacent should be extended to include the trees.

- 3.3 *I would recommend that the layout of Plots 300-303 is amended to allow a landscape link between the open spaces to be provided. There is a very large area of hard*

surface in the form of a private drives in this area, for a small number of houses.

4. *Site Layout – Sheet 4 (P.005)*

4.1 *I do not consider that the relationship between Home Wood and the proposed development is acceptable. There is little gradation between the areas, and Plot 20 is likely to be dominated by the close proximity of the wood. There should be a graded edge from trees to shrubs, to long grass then short grass. A cross section through this boundary would be useful.*

5. *Landscape & Ecology Strategies and Management Plans:-*

5.1 *The “Overall Ecological Strategy” includes a list of laudable aims but these are not directly related to areas of land. For instance where is the species rich grassland to be located and which existing vegetation is to be “re-furbished”? There is very limited space available for varying the grass cutting regimes and the scope for non-‘manicured’ Landscaping is minimal. I would seriously question whether the proposed management is “highly likely to significantly improve the wildlife value of the area” as stated.*

5.2 *Home Wood: The Management principles expressed are generally acceptable but need to be translated into a detailed Management Plan. Precise details of what is planned where and when should be included and illustrated on a Plan.*

There are existing problems with BMX bike use/abuse in Home Wood West which will need to be addressed.

During a site visit the existing landowner or agents working on the site did not appear to be aware that Home Wood West is part of the Manor Estate Plan. Is this wood intended for transfer as P.O.S. or not?

6. *Highway Improvement Works:*

6.1 *The highway improvement works will have a major impact on the character and appearance of the King Edward Street/Featherbed Lane junction. All the existing trees and hedges will need to be removed as stated on Drawing No. 3595:05:03.*

The trees along the boundary of King Edward Street are semi-mature Beech which have significant value as a group. Adequate provision should be made for replacement of these trees as stated on the plan referred to above.

Amended Plans

General Comments

1. *There are some significant differences between the Richard Boast and the James Blake plans and it should be clarified as to which should take precedence.*
2. *The status of the footpath through the green corridor should be clarified and that leading to Home Wood adjacent to Plot 18. I understood that the main footpath was to be dedicated as a right of way.*
3. *I consider that the number of footpath links off the main path should be rationalised particularly around the NEAP adjacent to Plot 246.*
4. *Existing features are not always shown on the James Blake plans e.g. Hedge rear of Plots 100-105 and tree belt south of Plot 107.*
5. *Tree Protection Specification shown on the key of the James Blake plans is not in accordance with BS 5837: 2005.*

6. *No management plan for Home Wood has been submitted.*

Specific Comments on the Layout by Sheet No. of Richard Boast Plans:

Sheet 1

1. *O/s Plots 47-49, the informal footpath also acts as the main access to the properties. This is not likely to be acceptable to the residents. It would be preferable to separate the paths in this section.*
2. *The proposed shrubs within the grass area are not ideal but this could be discussed at a later stage.*
3. *I consider that the tree planting is rather formal along the green corridor and could be improved.*
4. *The treatment of the land within the area G6 should be clarified. It is mainly overhung by trees on the adjacent site but may still need some planting.*

Sheet 2

1. *Trees proposed in front of Plots 161-168 are not shown on the Blake plans. It should be clarified whether these are proposed or not.*
2. *The protective fencing for Group G5 is probably not realistic as it gives no space for construction.*
3. *In the Home Zone, the proposed planting between the road edge and the buildings is not clear and may not be desirable in such a narrow strip.*
4. *A road and footpath is still proposed through the tree belt G4. The position is slightly better than in the previous layout but is still contrary to the Development Brief. I would recommend that an alternative layout is considered.*

Sheet 3

1. *Plot 99 is still an issue with respect to the adjacent trees. The position of the property does not comply with BS 5837. The protective fencing should be at 12m for T6, T7 and T8 according to the applicant's own tree survey.*
2. *The treatment of the area to the SE of Plot 107 is not clear. Is it to be part of the proposed Public Open Space?*

Sheet 4

1. *The status of the footpath adjacent Plot 18 should be stated to ensure that there are public rights of access.*
2. *The edge of the woodland should be clearly defined. The scrub at the edge is currently shown to be retained within the gardens but this is unlikely to be suitable in small residential gardens.*
3. *The Blake plan of the trees to be retained along the southern boundary is not accurate and the protective fencing does not comply with BS 5837, e.g. For T15 the fencing should be at 10m and is shown at 1m !!*

I would be happy to attend a meeting with the Landscape Architects if it will help to resolve any of the above issues.

Latest Amended Plans

Claire has asked me to comment on the shrub planting for the above scheme, and I have discussed the proposal with Claire and Ruth Chapman. Please see my comments as follows:

General Comments

Do not like ground cover mix A because of the nature of the plants selected - mixes B (down as A?) and H are better, however I would not use *Cotoneaster horizontalis*, I think there are better *Cotoneasters* available, such as *C. conspicuus* 'Decorus'.

Avoid

ground cover mix A
Cotoneaster horizontalis
Sambucus nigra

Sheet 1

The hedge along the railway is down as beech (*Fagus sylvatica*). A better selection would be Hawthorne (*Crataegus monogyna*), which could be allowed to grow into a mature hedgerow (Cut every 2-3 years). I don't think there is enough space between the LEAP and the hedge, for a bed of hawthorn and hazel, with ground cover to the front. This bed would make the management of the hedge very difficult (in the long term), and I cannot see the mix of large native plants and a narrow strip of low growing ground cover plants to the front working. I would recommend not having a bed here at all, and just have a grass strip between the LEAP and the hedge.

Cannot see why you need Hazel *Corylus avellana* planted as Specimens within the wild flower meadow, in front of a bed which includes hazel?

Where the path through the green corridor leaves the site, there is a strip of grass, which is very narrow - needs to be wider. By slightly adjusting the position of the path it should be possible to achieve a wider strip.

Plants around Pumping station - I don't think the combination of native buffer mix and ground cover will work well because it is a small bed and there are large species within the buffer mix - maybe a hedge would be better, perhaps with ground cover.

Bed adjacent to 58, and another near 59 and 78. Again I think the combination of a buffer mix with large species and low ground cover species around the edge will not work well, because they are relatively small beds. Also having large species next to buildings is not necessarily a good idea, as they will need to be contained in order to avoid them growing into small trees, which could potentially cause structural damage. Better to plant species, that will not get too large near buildings and walls.

Hedge in front of properties - *Viburnum tinus* is not a good selection for this locality, as we have had problems with viburnum beetle in Dacorum - prefer alternative to be used.

Sheet 3

Ground cover feature is far too narrow. Hedge in front of properties (see above comment)

Sheet 4

Continuation of the very narrow ground cover bed - also a small section of Mix G? not listed.
Viburnum tinus hedge (see comment above)
Change ground cover mix A adjacent to 247

Sheet 5

Ground cover mix A again! - change

Sheet 6

Ground cover mix A

Sheet 7

Don't like Combination of Buffer mix and ground cover - ground cover strip is narrow in places.

Additional Comments

There have been a number of documents and plans submitted for comment. I will deal with

each in turn:

1. Response to Design Issue document and amended plan No. P006 Rev. D.

Plots 6-17

The layout has been amended and there is now an acceptable relationship between the trees and the buildings. The location of the protective fencing is satisfactory and in accordance with BS 5837:2005, providing there are no changes in levels proposed. Existing levels should be maintained within the Protection Area.

Plots 18

There is a proposed footpath link to Home Wood between Plots 17 & 18. It is still not clear what the status of this path is. It needs to have public rights but has not been proposed as a Definitive Right of Way. This issue should be clarified particularly in relation to the private access to Plots 12-17.

Plots 98-99

The most important tree in this group is T7 and the distance between this tree and Plot 99 is 15 m. This should be acceptable to future residents as there is sufficient usable garden space outside the tree canopy.

2. Tree Survey Report and Schedule:

In Paragraph 4.1 the report refers to a Tree Constraints Plan. Although this includes consideration of the Root Protection Area, it does not include the above ground constraints. This would be useful particularly where trees are located to the south or west of proposed dwellings. I would recommend that the areas which have been identified as special protection area and those identified for excavation by hand, are included with the RPA until such time as the special measures are to be carried out.

In Paragraph 6.1, I agree with the statement that service runs must be considered prior to installation and should not encroach with the RPA. There should be no circumstances where this should happen. I assume this can be dealt with by condition so that no service trenches, drainage or sewage runs or soakaways are constructed within the RPA.

In Paragraph 8, proposed tree works are referred to as detailed in the Survey Schedule. This also includes works to the retained hedges and tree belt as well as individual trees.

It is not stated when these works are proposed or what the priority is. Some will be required immediately and some could be phased over a longer period e.g. the works to G4 could be phased over space and/or time. A management programme of what is proposed and when should be prepared.

3. Arboricultural Impact Assessment

In Paragraph 2.1, reference is made to removal of Part of G3 for the site access but in Paragraph 2.2 there is reference to construction of a shared access drive adjacent to T12 and G4. The drive is not now proposed so the report needs to be amended.

In Paragraph 3.0 Tree Protection, 3.3 states that the protective fencing will be erected on the line shown on the tree survey plan. I assume that this should be the Arboricultural Implications Drawing. See comments above on inclusion of special treatment areas within the RPA.

Paragraphs 8 & 9 relating to Level and Services are important. There is no point in agreeing Root Protection Area at this stage if there are likely to be changes in level or proposed service trenches. The statement in Paragraph 8.1 that 'should levels need to be changed-----etc.'

are rather worrying since level details are part of the current application. If possible, any possible changes in levels around retained trees should be clarified at this stage rather than as a condition.

4. Woodland Management Strategy.

The Strategy is excellent as background as far as it goes but has two major omissions:

(A) It does not include the section of Home Wood North-West of Featherbed Lane.

And

(B) It does not include a Management Plan detailing what operations are proposed and when. I expected a detailed, costed Management Plan for Years 1-5 at least and then general proposals for years 5-20. The proposals should relate to a detailed plan of the woodlands.

5. Detailed Open Space Proposals (Plans 1-7)

These are excellent in terms of details and clarity but there are numerous issues which need to be discussed and possible amended. We are due to meet the Landscaped Architects on Wednesday 17th May to go through plans in detail. The amendments to these plans could be dealt with by condition if necessary.

One issue, which is important at this stage, is the path to the north of Plots 85-87. This is shown as a potential link to the existing footpath network. This needs to be included as part of the proposed definitive Right of Way running around the site to avoid a gap on the Definitive Map. It may be preferable to separate the route of this path from the access to the houses.

Secondly, it is not stated how the area of King Edward Street which is to be closed as highway, is to be treated. Should this be part of the area adjacent to G10 to be landscaped?

Parks and Open Spaces

Original Plans

Play - The area shown for the LEAP by King Edward Street, is approx 500m², it will need to accommodate a minimum fenced area of 400m². It might be difficult to achieve this given the corner layout of the space. I would prefer it to be located further away from housing if possible.

I would like the developer to consult residents and particularly young people on the design and equipment for the play areas. The play facilities must meet the requirements of DDA and be acceptable for use by disabled people. As such they will require footpaths leading to them and inclusive play features.

LAP's - I would prefer these to be areas of open space, rather than being developed as a LAP (as defined as an unequipped fenced area of 100m²).

DBC land - Dacorum Borough Council own the current play area land which is to be redeveloped for the access road and housing. This land is subject to a covenant restricting its use which will need to be resolved, with the transfer of the land, and any payment/permission.

Community planting event - An area should be designated for a future community planting event and separate funding sought from the developer for this to be implemented by DBC.

Neighbourhood Green Space - The main neighbourhood green space is approx 75mx130m,

this is of insufficient size to accommodate the development needs as detailed below.

- *New planting along the boundary to:
screen noise from the A41
provide a green link between H8 and H10, to prevent H8 being isolated create a woodland and wildlife corridor from Home Wood to Shendish Manor
create a visual boundary*
- *A neighbourhood informal play space:-
space for a kickabout area of a size defined by Sport England
play area
a significant amount of public space to off-set the loss of the current permissive use of Maxted Field*
- *Grassland of sufficient area to be maintained to a level of local nature conservation value:
Currently F2 and F3 are of local nature conservation value, the report advises that the partial loss of F2, F3 and F5 would have a moderate adverse impact, and the scale of the impact could be minimised by leaving some areas undeveloped and their interest retained through appropriate management.
To be successful the grassland area needs to be clearly defined, of sufficient size to allow for different cutting regimes, and which people can understand is being actively managed.*

Green Corridor & Hedges - I was under the impression that the buffer zone/green corridor was going to be 20m wide, as shown (though not specified) on the outline plan in the development and design brief.

A grassland strip of 3-6m is shown. The ecological strategy refers to creating species rich grassland; using varying cutting regimes to attract the widest possible variety of invertebrates, reptiles and small mammals. This will be compromised by the width. The width will be further reduced by a 1 metre wide cut where a footpath/cycleway passes close to a planted area.

H14, along the boundary with Shendish Manor has a random informal edge, which should be replicated with new planting after the poor specimens through this section have been removed.

For the retention of hedges to be successful they will require a buffer strip of undeveloped land, and the suggested widths need assessing as to whether they are adequate.

The recommended width of the buffer for H14 in F5 is 10m. On the current layout this would include the surfaced cycleway/footpath which cannot act as a green buffer. The corridor at this point should be widened or the footpath moved to gain the required 10m.

H12 has been assessed as a hedge important under the hedgerow regulations. On the plan it is shown as a preserved tree belt, there should be an assessment as to what would be most appropriate management for this hedge, in particular it may require laying and being managed as a hedge rather than a tree belt.

Roads/Footpaths - The position of a hard surface footpath/cycleway through the middle of the green corridor will effectively divide it, as it is likely that the housing side will be managed more formally.

The surfaced circuit around the edge of the housing and green corridor may be confusing to follow as it is formed from different elements of footpath, road, bus link, private access roads etc.

The concept in the development brief was to improve access to the countryside beyond, with public footpath 17 realigned to connect with a network of new greenways. It appears public

footpath 17 has just been repositioned slightly and the only connection is its existing one.

Formal Planted Areas - The tree and shrub choice in the schedules is good but I make the following comments:

Replace *Sambucus nigra* 'Black Beauty' with *Escallonia* Apple Blossom.

Replace *Cornus alba* *Ellegantissima* and *Cornus stolonifera* 'Flaviramea' with *Cotoneaster lacteus* and *Viburnum davidii*.

Without an accurate site plan, it is not easy to select appropriate plant species for the location. The choices are based on the assumption that *Cornus* species would be too close to properties and therefore unsuitable. The *sambucus* looks unattractive in Winter. *Cotoneaster lacteus* and *Viburnum davidii* should be planted in the same bed.

General - The Landscape Appraisal Report makes reference to the public consultation undertaken as part of the preparation of the development brief. However it is not shown how the results of the public consultation have been incorporated into the current design.

Consideration should be given to providing information boards.

Bins and dog bins should be provided in the scheme, numbers and position to be agreed.

The scheme does not show boundary treatments.

Landscape and Ecological Strategies and Management Plans - This document does not provide an adequate management plan for the development of the greenspace. I would expect more detail and programming on the works to be carried out as part of the development and recommendations for management afterwards. It doesn't refer to the ecological assessment or demonstrate how its recommendations are to be accommodated and the nature conservation value of the site developed.

Amended Plans

In general the layout plan appears to have been adapted to take into account the comments we have made at our various site meetings, I expect Ruth to comment on this in more detail.

Management Statement (James Blake Associates):

The management statement is a specification for works to be undertaken after transfer, it is not a management plan. It focuses on operations, with less emphasis on general management, nature conservation or people. It isn't especially user friendly, easy to refer to guide or clear for others to use.

I appreciate that it is a standard format with some adaptations for the site involved, with the option to make it more relevant by including additional information, as it becomes available. Many of the operations included will not be applicable to the areas DBC will adopt and other information which we do need is not included e.g. management of wildlife areas, more information on how these are to be established, a monitoring schedule, a management plan of Home Wood.

And it doesn't assess the condition of the hedges and recommend what works need to be done to them, it's all the general specification.

I think some of the elements are more than DBC would be able to accommodate e.g. reporting annually to residents. If the residents wish to form a friends or neighbourhood group to take active interest and involvement in the area we would support them. Our emphasis would be on a partnership approach, rather than DBC reporting actions to them. Would Planning wish to get involved/give permission to any revisions within 5 years? With the play area specification, the

equipment manufacturer will not be able to inspect the equipment weekly, nor will DBC without investment in a further inspection team.

Items that we still need:

- *Management plan for Home Wood*
- *Specification for establishing the areas*
- *Risk assessment*
- *Boundary details*

Other Items

- *There are still a number of details to be resolved and I'm not sure if this is the stage to consider these or not*
- *fenceline - consider providing a mowing strip underneath where appropriate to reduce the need for spraying/trimming*
- *bins - minimum 100 ltrs capacity, fireproof, include provision for dog bins within the development*
- *seats policy - Dacorum Borough Council has a non tropical hardwood policy for seats in it's open spaces*
- *Where will the community planting take place*
- *Where will the art be*

Play Areas

These ideally need to be further away from the housing. The Part NEAP is only 10m away, can it be edged further towards the footpath (not sure what the levels are like), similar problem with the LEAP. (Take a look at the John Dickinson site to see how close it will be in reality!)

Please provide details of where the temporary play area will be sited.

There's a lot of planting around the play areas, I would like some planting around or even in the play areas (if they are large enough) to add to the interest and experience of using them. However they still need natural surveillance and the planting should not restrict this and the species need to be suitable for the location.

Footpath

The footpath through the green corridor should be positioned as far as possible away from development, so as to accentuate the feeling of getting away from the urban built environment.

I wonder if the footpaths links need simplifying - there are so many connections to the footpath along the green corridor - need more thought on how people are using them and where they are going to go e.g. there are 3 links within 80m by the bus link, but nothing by the school.

Similarly by the LEAP and pumping station, the footpath provides access to private residential footpaths (to no's 47, 48, 49) I would like this corner to be re-designed and the footpath to be further away and the number of connections reduced. I don't want it to link to private residential footpaths.

Where possible I would prefer the canopies of the new trees not to overhang the footpath (leaf debris will make the footpath slippery/muddy). Remove the tree and triangular bit to the junction to the front of 210.

Again by no 246 there are 3 footpath sections dividing the tree belt, I would rather have one link from the access road (why does the footpath cross over the road, how will it take the weight of vehicles, how will the different materials work together, start at the edge of the road) and a simpler link from the other side of the play area, remove the triangular bit.

Open Space/Green Corridor

Clarify the boundary between private space and open space, a lot of the open space appears to go to the property walls, in particular the area to the front of the village green appears unresolved. The type of space should be visually clear, to aid maintenance, to stop residents encroaching on open land.

As this is not a detailed planting scheme it is not possible to make specific comments about its appropriateness, however the number of different planting features makes for a complicated mix, that is not appropriate for this semi-natural urban fringe setting. The introduction semi-native shrub and whip drifts, ground cover shrub planting, spring flowering bulbs, and herbaceous perennials does not seem to fit, as it implies that non-native plants will form part of the planting.

The green corridor open space should reflect the surrounding woodlands, hedgerows and grasslands. When walking through the space it should give a feeling of escape from the urban built environment to that of the countryside. I don't think that semi-native, ground cover shrubs, and mixed shrub and herbaceous planting is compatible with this vision of the corridor.

Shrub planting has been included along many of the property boundaries. This can be useful in deterring ball games, however they will require significant additional maintenance which concerns me. Visually they are not part of the rural landscape, and practically many of them appear on the plan next to long grass which will make maintenance difficult.

I am not clear what is happening in front of the village green, there appears to be formal shrub planting within a fenced area, but this is not on the key. Again this will be difficult to maintain to residents expectations.

Generally I would prefer the shrub planting to be restricted to areas which will be maintained by management companies, and more formal areas of open space. Spring bulb planting is not compatible with the wildflower areas; and would be more appropriate in amenity grass.

Wildflower meadow

What do we want to achieve here, wildflower meadows, generally are on sloping land, poor soil, with a scrub and woodland edge. This design is more of a manufactured rural feel, and having long grass on either side of the footpath would do this. However practically - will the grass grow under the tree canopies, how will we direct grounds maintenance to distinguish between these areas, will they be able to get the machinery into all of these areas to cut and clear it. In terms of specification it is a lot easier for grounds maintenance if we say one pass either side of the footpath is regularly mown and the remainder is cut on a less frequent basis and have the wildflower area on one side of the footpath only.

I know that even small sunny banks can be great wildflower resources, and we can sympathetically manage them, but there is so much on these plans. If we really want to do a wildflower meadow, please designate a block somewhere.

Swales

We need more information on how these will be constructed. Will we be able to take machinery over them or do they have to be hand strimmed. Are there any safety factors with them being close to properties. Obviously we want to limit the amount of hand strimming. At present they are within areas of wildflowers. It would be difficult to differentiate what we can cut by machine and which areas we have to leave and cut by hand.

Trees

The proposed tree planting is regimented in places, I would prefer a more natural planting style along the green corridor, e.g. village green, there should be views across the green to the part

NEAP to provide surveillance.

Latest Amended Plans

Here are some comments. More will be coming from Nick Graham on the shrub planting, and I've given the woodland strategy to Chris Loughborough. As you know we have arranged to meet with the landscape architects next Wednesday to discuss the plans, so hopefully we will be able to sort out much of this then.

Play

- Please reinstate the footpath link from the front of the village green to the younger part NEAP (this could just go from the Home Zone to the play area, if required rather than linking to the footpath along the green corridor), and change the connecting links to this play area to give the preserved tree belt more space.
- The finish of the play area fencing should deter rust and not require future painting.
- The detail (e.g. model and supplier) of the self closing gate for the play areas must be agreed with DBC.
- The shapes of the play areas on the plan are curved. Bow top fencing is produced in straight sections, it can be bent to a slight curve, I don't know whether it can produce these designs.
- The bottom play area states that it will be equipped with 5 items, which may be slightly restrictive as 2 items would be used for the swings.

Ecological Survey

- Is the translocation of grass species from the most species rich areas of TW4 planned as included in the ecological survey? Would it be better for sections of these species rich areas be protected in situ during the construction process rather than reseeding within the green corridor.
- Will the hedgerow recommendations detailed on the tree survey e.g. to G4 (western side), and G8/G9 (left of the school drop down zone) be part of the tree work programme to be agreed?
- A groundcover mix is shown adjacent to G4, the planting here should be native and strengthen the planting of the preserved tree belt.
- Is anything happening within the protection zone for G6, nothing is shown here.
- There is an item within the ecological survey about a valuable strip adjacent to the footpath by the roundabout to the houses (sheet 7). I am not sure if these recommendations have been included in the design (connecting the good habitats along the road verges of Featherbed Lane).

Woodland Management

- Include the removal of litter/rubbish/garden debris
- Set a trigger for the agreement of the tree work programme both in the woodland and across the site, and phasing of the work.
- What about the other section of Home Wood across Featherbed Lane? Is this included within the management plan?
- What areas does the amenity management strategy within the woodland management plan relate to? (this may be unachievable by us e.g. monthly inspections, collecting grass cuttings)

Other

- Bins and dog bins? e.g. by seats, in the play areas, along the footpath
- Where is the temporary play area going to be?
- Where is the area designated for community planting?
- Has the management schedule submitted last time been withdrawn?
- I note that the drainage included last time has been removed, are any other measures required e.g. soakaways or will the scheme be okay?

- On the western side of the site, shrub planting is shown next to property fences along the green corridor, I would prefer this to be removed.
- Which of the landscape elements shown on the plan are to be considered for public transfer? I was under the impression that we would gain the green corridor and be responsible for the highway areas. More than this is shown on the plans submitted e.g., the hedge along the ramp, will this be an adopted highway area. Plus there are many smaller shrub beds by housing. Please clarify the boundary between public space and private space, e.g. to the front of the village green.
- There are long sections of ornamental hedge planting along the edge of the green corridor. If it is felt that the estate needs a more formal edging like this, then I would ask that is it the responsibility of a management company rather than being transferred to Dacorum. The ornamental hedge mix may need to be adjusted, e.g. replace the viburnum which has been hit locally by disease.
- All of the footpath through green corridor should be constructed from hoggin, including the ROW which is currently shown as metalled.
- A seeded grass area is shown to the rear of the part NEAP 600m2, will this all need to be seeded, should part of this instead it be part of the wildflower meadow or existing vegetation? (Could Martin advise)
- Bulbs are shown under holly trees, not the usual format!
- There's a tree shown in the middle of the footpath in sheet 4, please could this be moved.
- I am concerned about the length of trip rail fencing around the edge of the green corridor. This type of fencing adds significantly to maintenance as it creates many obstructions for strimming/spraying, plus can be regularly damaged by vehicles. On the eastern side of the site it is spaced a little into the seeded area, creating a narrow grass strip which may be awkward to cut. On the top western section, it is close to the block paved home zone and the footpath and there may not be sufficient width, particularly by the parking areas. I would like to know what it's purpose is in order to consider other options e.g. double height kerbs would prevent vehicles driving on to the grass, or sturdy posts are more robust. Most open space is not fenced.
- The bus stop takes a relatively large section out of the green corridor, could it be reduced in size?
- Will the school setting down area be an adopted highway area? The mix of planting with trees, hedge, grass and shrubs isn't very practical to maintain and the tree species aren't suitable for an area where vehicles will be turning/parked.
- There still seem to be many new trees. Trees should not be planted within the wildflower meadow, the tree planting should form an edge along the boundary of the green corridor.
- Signage?

Nature conservation management

- We still require a suitable management plan for the green corridor
- The reserve site may include an area which currently has a higher ecological value, can this be protected during development and until the reserve site is required?
- Is a protective zone for badgers required?

Hertfordshire County Council (Transportation Planning and Policy)

I can confirm that the Highway Authority is not in the position to give a formal response to the amended plans.

The plans submitted seem on first inspection to slightly differ to that which was agreed at a meeting held in early March between representatives of HCC / Herts Highways and MJA. The submitted plans you have forwarded for comment from the Architect are not detailed drawings and they do appear to vary from the drawings that have previously been commented on by Herts Highways (Implementation Team).

Manjinder Sehmi has confirmed that although the details will need further checking (currently with PTU), in principle they would be acceptable to the Highway Authority subject to the ongoing checking.

Hertfordshire County Council (Development Control)

Given the allocation of the Manor Estate in the Dacorum Borough Local plan (sites TWA3 and TWA4) and the presence of an adopted development and design brief for this site, the County Council does not have any strategic land use planning comments to make regarding the proposed development.

Hertfordshire Biological Records Centre

Original Plans

Our comments are as follows:

1. *One of the aims of the DBC Development and Design Brief was to 'create a landscape setting that provides amenity for resident, protects and encourages ecological diversity and meets engineering needs for SUDS'.*
2. *As outlined in the brief, key components for the development of the sites are:*
 - *provision of approximately 300 dwellings on two sites*
 - *provision of public open space, retention of Home Wood and other environmental and ecological enhancements.*

This sets the context for a number of issues within the current proposals that we consider important and need further work.

3. *The increased number of dwellings within the current layout may have put pressure on the provision of open land to be retained. Whilst this does not preclude a re-design to accommodate the higher dwelling numbers, this has reduced the open land provision to a minimum. It was already pointed out by HBRC in the design of the Brief that as so little open space remained, the options for securing ecological enhancements would be extremely limited.*
4. *This in turn now limits management opportunities within the space that is left, and in this sense fails to satisfy sufficiently one of the Brief aims which is ecological enhancement. We accept that the Shendish boundary is proposed to have a 20m buffer. Indeed, this is specifically described within the Landscape Appraisal Report as a Landscape Buffer / Corridor. However, this is misleading; it is not a buffer or 'Greenway' of undeveloped land – it also has to accommodate front gardens, an access road and footpath. This leaves little room for ecological enhancements to the grassland habitat within the area that will be left, which ranges from 9-15m. If this strip also has to accommodate a footpath as well to provide access this reduces further the available land. Consequently we would welcome any opportunity to increase the width of this strip, if only in places, to allow it to perform its function properly as envisaged within the Brief.*
5. *The existing hazel hedge by the A41 / Featherbed Lane corner will be destroyed, with no obvious compensatory planting. This area already represents a significant pinch point by Featherbed Lane, which will fragment the existing continuous habitat link. Consequently this places further emphasis on minimising the impact, but we do not believe that this has been considered, and advise that this is addressed as requested in the Brief.*

In this respect, we therefore advise that the shrub boundary to the Public Open Space and the new road should be largely of hazel. This is consistent with the existing hedge character as well as the ancient hedges bordering the former Featherbed Lane, where it is a sunken holloway.

6. *The proposed new access arrangements from the railway bridge will effectively remove the existing screen of trees and shrubs that are currently present. The landscape zones as proposed within application 04/02920/04 (retail unit) are a poor substitute for the existing vegetation. However, the new planting should at least be characteristic of the local area. In this respect we advise ash/beechn in the middle and hazel on the edges, reflecting local species that should be successful.*
7. *The landscape and ecology management plans cover much of the establishment works, but lack clear details or guidance for maintenance. Within the 'peripheral planting' zone there is no indication of where trees are to be planted, or how many, or any distinction from grassland establishment and management areas. We would also like to see species lists for the lowland meadow and low maintenance landscape grassland mixes.*
8. *The woodland plans – which appear to relate to the path and some edge coppicing – are not detailed enough to guide any establishment works required to restore the woodland, or provide a longer term guide to subsequent longer term maintenance works. Currently the woods have suffered from neglect, have a population of poor standards and little evidence of quality recruitment – a reflection of both past management operations as well as a lack of them. Given the accessibility and use of Home Wood east, a more detailed plan with maps needs to be provided.*
9. *We are also concerned about the distance from the woodland edge of the adjacent houses to the north. There is a hard developed edge immediately next to the site and any opportunity to offset this by creating a local open / green setting to the woodland itself should be considered. This does not affect the proposals to coppice the scrubby edge to the site, which we support.*
10. *As a contrast, we support the non-intervention of Home Wood west of the site which is included within the overall site boundary, but which on a recent site visit was considered otherwise by the existing owners. This needs to be investigated and clarified.*
11. *The new planting to reinforce the A41 boundary between Home Wood and Shendish is welcomed. However the new planting designed to strengthen the existing visual buffer provided by Home Wood appears already to have been completed. This proposal cannot therefore be considered as a benefit resulting from the development. Does this mean that further planting is envisaged and if so, where?*
12. *Are there buffer zones (see Development Brief) for the retained hedgerows? If so, they need to be marked on the maps and their management described.*
13. *The Ecological Appraisal by Wessex Ecological identified trees that had the potential for supporting bat roosts and these should be retained within the development.*
14. *We would recommend that no trees or hedges are removed between the 1st March and the end of September inclusive to avoid disturbing nesting birds.*
15. *With respect to the proposed tree planting within the 'peripheral area' as shown on the maps, we would not consider silver birch and small-leaved lime appropriate as neither of these species are found locally within Home Wood, which being ancient semi-natural woodland, supports a locally distinctive tree community.*

We recommended in March 2004 that a management plan outlining management prescriptions should be prepared, as well as a land management strategy to show what open spaces are to provide recreation or wildlife benefit. Although these have been provided they do not adequately detail the management regime required to conserve and enhance the features of ecological interest. This should not require exhaustive new work, as much has been undertaken already. However in its present form the plan does not provide sufficient detail on the aspects raised above, and until this is addressed we consider that the application should not be approved. Without taking the above issues into consideration, we do not consider that the current proposals follow the spirit of the agreed Development Brief.

Amended Plans

This full application is the culmination of much work undertaken to date, including an outline permission which has been granted following the guidance as set out within the Development Brief. There have been three separate ecological reports. Whilst the nature and extent of the development limited the extent to which any significant wildlife gain can be made, it is still important to recognise the intention to 'protect and manage ecological diversity' as part of the development. In this report there should still be an emphasis on surviving or potential features and their management in an attempt to compensate for the overall loss of ecological resource. **In our opinion the results of this process as presented within the full application do not meet these expectations or the claims made in the supporting statements, for the reasons outlined below.**

1. The Wessex and HBRC surveys reported on-eye daisy, common sorrel, wild carrot, agrimony within the (now) ploughed fields, and wild carrot, ox-eye daisy, meadow buttercup, common sorrel, sheep's sorrel and black knapweed within the horse pasture. All of these are indicator plants for Wildlife Site status, although the criteria for WS had not been developed by 1996. If large areas of reasonable quality grassland do remain, these should be considered for translocation in some forms. There are opportunities for this within the site or local area, such as adjacent to Roughdown Common or the Westbrook Hay Estate, now managed by the Boxmoor Trust. **No supporting proposals are given for where or how this is to be achieved.**
2. Extra planting to buffer the eastern half of the wood as proposed within the 2003 report and Brief (p48) will be at the expense of open land, which already will be at a premium ecologically. We would not support any such extensive planting, although enhancing adjacent hedgerows connecting to the woodland would be a compromise. The woodland/grassland boundary is ecologically valuable, an aspect will also have been severely degraded by the completion of the proposed development bordering the northern edge of the wood. We would not want this attribute to be further compromised. **No adequate management proposals have been given for the woodland or the woodland edge habitat consisting of colonising scrub, including the woodland edge bordered by houses.**
3. **Linking Home Wood to the habitats to the south** is really the only Wildlife Corridor that presently survives to link this area to open countryside. Roads, railways and bridges provide barriers of one form or another in all other directions. The roadside bund would serve this process well, although additional habitat diversity would be provided if the lowest few metres were to remain as open and managed as grassland.
 - (i) **No details are given for the species to be used for this or any 'ecologically enhanced' area, and we are concerned about the 'semi-native and evergreen' whips that are proposed. 4.5 of the Landscape Design Code does outline a range of species for the village and woodland edge, and we object to the abundance of ornamental cultivars as opposed to native**

species. There is not even any hawthorn, a ubiquitous species within the area. We strongly advise this list should be significantly modified to favour native species. Why select ornamental species, as outlined within the 6.0 Landscape Sustainability Objectives?

- (ii) There are also no details of Wildflower mix.**
 - (iii) The previous 'Landscape Ecology and Management Plan' proposals were far more appropriate in respect to some of these details, and it is frustrating to have to make these comments when we would have thought such issues had already been satisfactorily dealt with.**
4. **Hedges are also recognised within previous ecological reports and original brief, which also promotes the idea of buffer zones. Lining the old sunken Featherbed Lane they are particularly characteristic in consisting largely of mature hazel, with some cherry and ash standards.**
- (i) The dominance of hazel is a locally characteristic feature that will be lost by the new roundabout, and there is no evidence of compensatory planting proposals.**
 - (ii) There does not appear to be detailed 'programme of selection thinning and replanting' (Brief p49), which also needs applying to individual hedges – no reference is made to previous proposals to coppice existing hedges.**
 - (iii) Many trees are proposed which do not create a rural feel of hedgerow trees given their regular and formal spacing. A more imaginative approach could have been chosen to clump trees or shrubs, reflecting a more semi-natural distribution. This contradicts the statement that 'residential streets fronting or adjacent to open space statement that 'residential streets fronting or adjacent to open space areas will be more rural in character' (5.0 hard Landscape Strategy). How?**
 - (iv) No details are provided on herb or fruit tree proposals, other than a comment within the biodiversity of 6.0 Landscape Sustainability Objectives. We support fruit trees/small orchard opportunities within the site where possible, so this should be clearly described.**
5. **Buffer zones and their management/enhancement are a feature of the proposals. However,**
- (i) The Landscape Framework maps shown in 4.1 and 4.2 are misleading for they imply ecological value will be enhanced around the edges of the development. However much of these will consist of amenity grassland and formal play areas, which do not provide the ecological value implied.**
 - (ii) Furthermore, bulb planting is proposed for many areas within the wildflower grassland. This may be desirable from a visual amenity perspective in more formal situations but it is not characteristic of native wildflower grassland, and we do not support this approach.**
 - (iii) Trees are proposed for the open grassland adjacent to Home Wood. This is the only open space that could provide significant grassland ecological interest being a single area enhanced by ancient semi-natural woodland with little direct impact from development. Notwithstanding the significant human pressure from disturbance that will be generated, it is**

proposed to plant trees within the grassland. We suggest the number and location of these are given further consideration as they are inconsistent with open grassland habitat.

- (iv) **The buffer to Shendish is wider than shown previously but still not 20m throughout its length. Whilst this may be unavoidable, it places greater emphasis on securing ecological enhancements within the proposed buffer.**
7. We also endorse the suggestion to translocate turfs to the remaining grassland adjacent to Home Wood (or elsewhere) as highlighted within the current ecological report and previous reports. Such areas would also subsequent require appropriate management to enhance their full potential. **No details are submitted for any of this work.**
8. We acknowledge the land management statement to outline management intentions, but consider these are prescriptions/specifications of how management is to be delivered. **Currently this does not represent a management plan, which is what we would have expected to be submitted for comment. It is also incorrect to state that 'management plans will provide for the sustainable long term viability of these areas'. In themselves, plans are simply written documents.**
9. The issue of bat roosts is important given the known roosts within the Manor Estate. The master plan outlines tree and shrub planting which will be beneficial from a bat's perspective.
10. No exterior lighting is considered part of the development. If it was this should be subject of a specific proposal that can be judged or modified on its own merits in relation to both the built and natural environments that will result.
11. Home Wood is of community benefit but is acknowledged as having been severely degraded and compromised by developments of different kinds, and this can only increase given the additional pressure the site will come under. In this respect the increased pressures should be recognised and a strategy developed to provide some compensation for this. This will seek to minimise pressure and enhance the ecology through appropriate management. There is already an informal path around the western half of Home Wood, which links to the old Featherbed Lane, an historic Green Lane lined with mature hazel, completely ignored as a feature of the area within any of the reports. This must also be addressed.

12. Future Requirements

Given the above comments, we would like to see:

- (i) *Habitat survey results of grassland to determine areas for seed collection/translocation.*
- (ii) *A map to demonstrate what features will remain or be created to enable bat access from the Manor Estate to open countryside. This should also serve as a general ecological map which highlights functioning corridors.*
- (iii) *Produce a clear and concise management plan rather than a series of specifications.*
- (iv) *Produce a clear recreation/land function map to show how the site is to be used. This could be achieved by showing features or facilities where ecology or recreation is the primary use.*

Furthermore, would welcome clarification or further details on the following:

- 13. *We are also unclear as to who is expected to pay for the Specialist Consultants Reports as detailed within 4.1.1 of the Management Plan. **We do not consider it appropriate for the Adopting Authority to pay for such advice in this way on a regular basis.** In our opinion it places an unreasonable level of obligation on the authority in managing the open spaces it will be reasonable for, especially as a more pragmatic approach is taken for all other existing open spaces.*
- 14. **Where is the strategically important vegetation (4.1.5.1)?**
- 15. *We would prefer to see the amenity grasslands and meadow grasslands to be described within separate sections, as their creation, renovation, repair and management regimes for wildflower areas will be, with respect to timing of cutting and removal of arisings. **This information has not been provided.** Indeed, swale area management (4.2.12) proposes management as described in the wildflower meadow clause. **We cannot find any such clause. This needs addressing.***
- 16. *'Planted, grass and sports turf areas' will have weed control (4.2.2). What are these weeds? As most if not all of the landscaped environment will have been created, does this mean that almost everywhere will have weed control, including wildflower areas? Wildflower areas will not be sprayed where not planted with trees (4.2.3) but it is not clear if this will include where scattered trees are proposed. Further clarification is require. Clearly unless there is a serious infestation of docks, thistles or nettles etc.*
- 17. *Section 4.2.5.1 outlines cur grass and other vegetation maintenance, but this does not include management for wildflower area. **The management proposed is not appropriate for wildflower grassland, and further guidance is required.***
- 18. *Where are the hedges that are to be managed (4.2.7.1)? Normally the aim is to achieve structural diversity through variation in age profiles – and this is not achieved by annual pruning. Even and tidy hedges are urban in character, not rural, another contradiction in objectives for areas beyond the immediate built environments. **We suggest this is reconsidered, with a map outlining simple management requirements for the hedgerow resource of the site.***
- 19. *Additional information is required for the management plan, including management care of habitat and a calendar of management operations. **Whilst we acknowledge***

the potential flexibility require to update a plan as necessary, unfortunately, without basic information, the management plan remain incomplete and as a formal document, is unacceptable.

Given the issues raised above, we advise that the application should not be approved until they have been adequately addressed to the satisfaction of the Local Authority.

Latest Amended Plans

Any comments received will be reported at the committee.

Hertfordshire County Council (Archaeology)

Original Plans

The site lies partially within Area of Archaeological Significance No. 52, as designated in the Local Plan. This notes that the area contains evidence for prehistoric activity and settlement dating to the Late Neolithic, Early Bronze-Age, and Late Bronze-Age to early Iron Ages periods.

In accordance with the advice contained within PPG6 and the Local Plan policy on archaeology, recommends that the applicant provide further archaeological information regarding the impact of the proposal on the historic environment before the application is determined.

Amended Plans

The site lies partially within Area of Archaeological Significance No.52, as designated in the Local Plan. This notes that the area contains evidence of prehistoric activity and settlement dating to the Late Neolithic, Early Bronze-Age, and Late Bronze Age to Early Iron Age periods.

An archaeological evaluation of the site of the proposed development site has confirmed the existence of a number of archaeological features dated to the later prehistoric and Roman periods.

With the above in mind, I believe that the position and scale of the proposed development is such that it should be regarded as likely to have an impact on significant archaeological remains. I recommend that the following provision be made, should you be minded to grant consent:

1. archaeological excavation of a number of small areas centred in concentrations of features identified in the pre-determination archaeological evaluation.

I believe these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of the development proposal. I further believe that these recommendations closely follow both the Local and County Plans policies for archaeological remains and PPG 16.

In this case an appropriately worded condition on any planning consent would be sufficient to secure the level of investigation that this proposal warrants. I suggest the following wording (based on paragraph 30 of PPG 16):

No demolition or development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, submitted to the planning authority and approved in writing. This condition can only be discharged when the planning authority has received an approved archaeological report on all

investigations.

Hertfordshire Constabulary Crime Liaison Officer (CLO)

Original Plans

I have today met with Roger Kerrison, the architect with Roger Boast Associates, agent for JS Bloor (Sudbury) Limited and discussed with him the features needed to create a safe and sustainable development. Having worked previously with Mr Kerrison I am confident that he recognises the value of designing a safe environment and will put his knowledge into the future layout and design. The following points were discussed:

- 1. It is essential that through the design process, appropriate features be used to clearly define the difference between public and private space. Failure to do so creates confusion between owners and users, leading to public disorder and upset. The present layout shows pedestrian and cycle paths crossing over and through private space belonging to residents. One example is the route in front of units 100 to 106 where it appears to cross over the garage access and parking areas between the units. There are a number of other similar proposals.*
- 2. Where appropriate, footpaths and cycle routes should have some form of staggered bars or other feature to help prevent the unlawful use by motorcyclist and in some locations by motor vehicles.*
- 3. Where parking is intended as courtyard parking placed to the rear of dwellings I recommend that the rear garden boundaries should be 1500mm high wooded close-boarded fencing with a 200/300mm high wooden trellis on top. This allows for some surveillance and supervision out of the dwellings over the parking bays whilst maintaining an element of privacy for residents. Lighting in these areas will need carefully consideration.*
- 4. I note also that some dwellings have been placed in what appears to me to be the garage and parking courts with access through the parking courts. I feel certain that this arrangement will cause future unrest if allowed to proceed with. An example of this appears to be unit 120.*
- 5. The same can be said for some of the private residential parking where residents will be unable to get their cars close to their homes and have walk some distance. This aspect needs to be reconsidered and unit parking to be reconsidered. Unit 163 is an example of this.*

I am sure that you are aware the dwellings deemed to be the 'affordable' element are required to achieve the Secured by Design Award status to receive the necessary grant aid funding. I would appreciate your support and help in encouraging the developer to achieve this nationally recognised status across the whole development and not just for the affordable units.

Amended Plans

I have discussed the application with Roger Kerrison of Richard Boast Associates and am satisfied that the proposed development should support the requirement for producing a safe and secure environment for future residents. The permeability aspect suggested by planning guidance is in my view satisfied with access routes designed to encourage surveillance from dwellings overlooking the route.

Latest Amended Plans

As I believe you are aware I met with the architect from Richard Boast Associates, Stevenage to discuss this development. The layout incorporates the points discussed and encapsulates most of the recommended guidance for community and environmental safety and security from the latest planning guidance documents.

I ask that consideration be given to placing a planning condition on any future approval here that encourages the developer to show what measures are in place to reduce the possibility of crime (Development Control paragraph - Planning Conditions, page 49, in document ODPM 'Safer Places - The Planning System and Crime Prevention'). All affordable housing will be required to achieve the Secured by Design status under the Housing Corporation grant-aid auditing procedure so why cannot the private sale units achieve the same safety and security standard? I am sure we may need to discuss this aspect further but I feel that this is a good opportunity to up the security stakes on this new build and your support in doing so would be appreciated.

Hertfordshire County Council (Education)

We started discussions in respect of this site on the basis that the housing development would result in a shortage of primary school places. The current position has changed; pupil numbers have begun to decline in Hemel Hempstead and therefore overall there is unlikely to be a shortage of places though there will continue to be pressure for places at Two Waters Primary School because of its popularity.

However after much discussion the governors of the school have made it very clear that they would only wish to expand if this could be by a full form of entry. As this level of expansion is not required by the size of the proposed housing development there would be no resources to fund the necessary capital works.

At the two focus groups I attended at the school I pointed out that the area of land which had been reserved for the possible expansion of the school was in a very poor location and it was also the wrong shape. It is at a much lower level than the existing playing field and the shape limits its future use. However In the current circumstances the LEA has no reason to continue to request that the additional land be reserved for an expansion to the school.

The proposed layout for access to the school from the new housing will mean that parents and pupils will be approaching the school on foot from the opposite direction than at present and therefore we would want to have funding to create a pedestrian walkway from that side of the front gates to the front entrance of the school building. This may mean that we also need to reconfigure some of the car parking places on the school site. It would be very helpful to have some additional land in order to facilitate these essential changes to the layout at the front of the school site even if this does not meet the strict tests in Circular 1/97.

You also need to be aware that in the first few years following completion of the new housing parents may not be able to get their children places at Two Waters school. There are likely to be many more car journeys to other schools off the estate at the beginning and end of the school day because of this factor. We have suggested that the developer might fund a coach /mini bus for 5 to 7 years in order to avoid the additional vehicle movements even though the schools where the children would travel to would still be within two miles of the new estate. I hope our transportation colleagues have taken this into account.

Additional information

The estimate for the cost of transport to alternative primary schools (Lime Walk, Tudor, The Reddings and Chambersbury) is estimated at £300,000 over 7 years. This came from Don Tyler in the Passenger Transport Unit. However, this could be spread over more years if the housing

is built over a period of years. The work to improve the parking and access to the school is estimated at £50,000. An actual scheme has not been drawn up or costed.

Hertfordshire Fire and Rescue

Vehicle access for Fire Service vehicles should be constructed in accordance with section 17 of approved Document B if the Building Regulations 2000 were applicable. Particular attention should be paid to table 21 and diagram 50 of the above document. Water Supplies for fire fighting should be provided in accordance with BS5588:Part 5:2004.

Architects Advisory Panel

Amended Plans

The proposals follow the publication of a development brief prepared by Terence O'Rourke on behalf of Dacorum Borough Council in April 2004. The brief sets the context for the development of 300 houses on the application site. The Panel first considered plans in January 2005.

The Panel were shown a laptop presentation illustrating the various buildings and spaces between them. The presentation gave a virtual journey around the site, facilitating a better understanding of the layout and building form proposed. The panel made the following comments:

1. This is an interesting scheme, which merits the further involvement of designers as the contract progressed. This will help to ensure that some of the finer details, which had been carefully considered during the design stage and referred to in the presentation would be implemented.
2. It is essential that HCC Highways authority provides full support for the proposals particularly a more relaxed approach to vision splays.
3. Consideration should be given to the line of the footpath through the housing rather the around it and in the vicinity of the railway line.
4. The land no longer required by the school should be retained as open space.
5. While the siting and design of the proposals are commendable Panel members were slightly concerned about some of the fenestration. This lacked attention in the size, position and details of window openings. These details need refining.
6. The Panel notes the concerns of officers regarding the layout and elevation treatment of buildings on the isolated site, but felt that on the whole the submission had improved. They hoped that concerns regards the details of fenestration would be taken into account.

Environment Agency

Objects for reasons that the development may present a flood risk from the generation of surface water run-off and is not accompanied by a flood risk assessment (FRA) as required by PPG25.

Subsequent comments following further information supplied by applicant

Satisfied with the details submitted in respect of surface water drainage and now withdraws its objection. Recommends conditions if planning permission is granted.

Network Rail

I refer to the previous letters dated 11 and 22 November 2004 concerning the above development and can now confirm that the following written undertakings from Hertfordshire Highways in connection with the future ownership and maintenance issues of the new works, that I am prepared to remove the objection to this planning application.

The new bridge and any modification to the existing footbridge No. 82 will require network rail approval, and be subject to a legal agreement covering land issues and an asset \protection Agreement (Works agreement) covering design, construction and ownership issues, between Network Rail, Hertfordshire Highways and Bloor Homes.

Sport England

Original Plans

Outdoor Sports Facilities

The proposed development does not make any specific provision (on-site or off-site) for outdoor sports facilities, such as sports pitches, courts and greens to serve the needs of the residential development.

I have noted that policy 76 of the adopted local plan confirms that major developments may be required to contribute to the off-site provision of sports pitches, or the enhancement of existing playing fields. Furthermore, paragraph A6.3 of Appendix 6 of the local plan confirms that if a development is of sufficient size and adds significantly to the overall demand for leisure facilities, a contribution towards new adult/youth play provision may be required.

A development of 335 dwellings would generate a minimum need for approximately 1.34 hectares of outdoor sports provision (on the assumptions of a density of 2.5 persons per dwelling and the use of the Council's adult/youth play provision standard of 1.6 hectares per 1000 population). An area of this size would be sufficient to accommodate to adult football pitches. I therefore consider that the development is of a sufficient size and could add significantly to the overall demand for sports facilities in the area. If there is an existing deficiency in outdoor sport facility provision in the Apsley area, I am concerned that the proposed development, in its current form, will not meet the demand for outdoor sports facilities that it generates. This will inevitably result in more demand being placed on existing facilities in the locality, which may already be used to their capacity. As well as being contrary to Sport England's policy, this would also conflict with the advice in PPG17 "Planning for Open Space, Sport and Recreation" (2002), which advises (in paragraph 23) local authorities to ensure that provision is made for local sports and recreation facilities (either through an increase in the number of facilities or through improvements to existing facilities), where planning permission is granted for new developments.

I am aware that paragraph 3.22 of the Manor Estate Apsley Development Brief requires a new village green to be provided within the development, which could at least accommodate a junior football pitch. The neighbourhood green space identified in the southern corner of the development has been proposed to meet the requirement. However, in Sport England's view this would not represent adequate outdoor sports facility provision for the following reasons:

- The area would not be large enough in quantitative terms to meet the minimum level of provision that the development would generate, i.e. the calculation set out above indicates an approximate need for 1.34 ha but the village green is only about 50% of the size in area.*
- The applicant's design statement confirms that the pitch will not be marked out. Unless the pitch is marked out at least during the football season, it will not be able to be used for formal sport, and as such will not be able to contribute towards meeting the development's*

outdoor sports facility requirements.

- *Whilst the indicative pitch identified on the proposed site layout meets Sport England's minimum side and safety margins of 3 metres and 4 metres respectively are required. The site layout indicates that trees will be planted in the areas immediately adjoining the pitch and the size and shape of the village green does not provide the flexibility to address this. It should be noted that pitch safety margins have to be free from obstructions such as trees.*
- *No provision is made for ancillary facilities, such as a pavilion and dedicated car parking. Such facilities are essential in order to provide changing facilities for the users of the pitch and to avoid residential amenity conflicts.*

Sport England therefore objects to the lack of outdoor sports provision made for meeting the needs of the development. However, I would be prepared to withdraw its objection if one of the following actions was taken:

- *The development makes adequate on-site provision for outdoor sports facilities as part of the development, which incorporates the advice set out above with respect to the quantity and quality of such provision.*
- *An appropriate financial contribution in lieu of on-site provision of outdoor sports facilities is secured through a planning obligation, which would be used towards the provision and maintenance of new or improved off-site facilities in the Apsley area. A contribution could be used for implementing an identified scheme in its entirety or could be ring fenced and pooled towards the implementation of a major scheme. If priorities for new or enhanced outdoor sports facilities in the local area have not been identified, because an open space strategy (as advocated in PPG17) has not yet been completed, I would accept the use of a contribution being delayed until such priorities have been identified.*
- *It can be satisfactorily demonstrated to Sport England, through a playing pitch assessment, that there is adequate existing provision in the catchment to meet the outdoor sports facility needs of the development.*

Residential Development Built Sports Facility Requirements

In strategic terms, Sport England's Facilities Planning Model has not identified any major sports facility deficiencies in Dacorum district, although the provision of an additional small sports hall in the Hemel Hempstead area was considered to be justified in 1999, when Sport England last undertook a Hertfordshire-wide assessment of sports halls. Sport England is not aware of whether a detailed local assessment of sports facilities in the Dacorum Borough area has been undertaken. It is therefore not possible to confirm the extent and nature of any local deficiencies in existing sports facility provision (in quantitative, qualitative terms). However, it is noted that paragraph 86.1 of the local plan identifies scope for further provision of local sports facilities through dual use provision on school sites and in general terms, most areas have local qualitative deficiencies in sports facilities, e.g. sports halls and swimming pools in need of repair/refurbishment to meet community needs. Major new residential developments will aggravate any existing deficiencies unless they make provision for the additional demands that they will generate. The Council's leisure development should be able to provide advice with respect to local deficiencies in sports facility provision. Unless it can be demonstrated that adequate provision already exists in the catchment for meeting the sports facility needs of the development in quantitative, qualitative and accessibility terms, justification would exist for the development to make an appropriate level of provision for built sports facility requirements.

Whilst it is accepted that it would not be appropriate to provide built sports facilities on-site, Sport England would expect financial contribution to be secured in lieu of provision, which would be used towards providing new, or improving existing, facilities elsewhere within the local area. Although I acknowledge that the adopted local plan does not specifically require

residential redevelopments to make provision for built sports facilities, policies 12 and 13 of the plan require development to make provision for the social infrastructure, in general terms, that they generate. The seeking of such a financial contribution through a planning obligation would also accord with the guidance in paragraphs 23 and 33 of PPG17 (2002).

In terms of calculating an appropriate financial contribution, Sport England has recently produced a Sports Facility Calculator, which provides an estimate of the demand for community sports facilities for any given population, based on the local population profile (Census 2001). Demand is expressed in terms of pools, sports halls etc, and in terms of the cost of providing the facility (allowing for regional variations). The calculator can be adjusted to allow for local sports development targets and to reflect new population profiles. This tool can estimate how much additional demand for sports facilities a new housing development will generate and quantify the contribution that should be sought from developers. The calculator uses demand parameters established by Sport England's Facilities Planning Model.

I would be willing to provide further advice on how the Sports Facility Calculator could be applied to this development, in order to ensure that adequate sports facility provision is secured. However, as an example, based on an estimated population of 838 (335 dwellings with an occupancy of 2.5 people per dwelling), assuming that the development will have a similar population profile to the rest of Dacorum Borough and allowing for a 10% increase in sports participation above current levels, the calculator would estimate that the development would generate facility requirements (in terms of sports halls, swimming pools and indoor bowls halls) equivalent to £269.265.

Community Halls

I note that land to the east of the development is reserved for possible community uses, which have yet to be determined. If a community hall is to be provided either on-site or off-site to serve the development. Sport England would encourage it to be designed to facilitate sports use to provide additional opportunities for new residents to participate in sport. Guidance on how community halls can be designed to accommodate a range of sports and physical activities is set out in our publication "Village and Community Halls" (January 2001), which can be downloaded from the Sport England website at www.sportengland.org/villagehalls.pdf. For example, through attention to the design of the main hall and ancillary facilities, a community hall can be designed to accommodate a one-court badminton hall, which would be suitable for a range of sports and physical activities.

Sport England's Planning Contribution Kitbag

I would like to take this opportunity to inform you about the Planning Contributions Kitbag, which has recently been published by Sport England and can be downloaded from Sport England's website at www.sportengland.org/index/get_resources/resource_ps/kitbag_front_page.htm. The kitbag will allow local authorities to use ready made planning tools to facilitate the provision of community sports facilities associated with new residential developments, which is obviously relevant to this planning application. The kitbag contains the following tools, which are of relevance to this proposal:

- Sports Facility Calculator – described above.
- Planning Contributions Checklist – Strategic and Individual Sites
- Model planning obligations and conditions
- Facility Cost List
- Case studies of the sporting benefits that can be achieved through new developments

Conclusion

In conclusion, Sport England would OBJECT to the planning application until the following issues, which are covered in more detail above, have been fully considered, and where appropriate, addressed to the satisfaction of Sport England:

- *Consideration is given to how the development will make adequate provision for outdoor sports facilities, as set out above.*
- *Consideration is given to how the development will make provision for the demands it will place on built sports facilities. Unless it is demonstrated that there are no local deficiencies in sports facility provision, a financial contribution in lieu of on-site provision will be expected, as set out above.*

Additional Response

Thank you for your letter dated 9th January 2006, which related to Sport England's position on the above application in the context of recently submitted amended plans and information.

The information that you provided on how the sports facility needs of the proposed development have been considered to date is helpful and I am willing to review our position in the light of this information.

In relation to the demand generated by the development for both indoor and outdoor built sports facilities, I would retain my position that the development would increase demand and place pressure on existing facilities. In relation to whether existing facilities have the capacity in both quantitative and qualitative terms to accommodate this additional demand, in accordance with guidance in PPG 17, this would be informed by local assessment of sports facility provision. This is why I have not supplied evidence of local need in my original response to the consultation on this application. In this regard, reference has been made in the information you provided to the Council Playing Pitch Strategy (August 1998), which concluded that provision in Hemel Hempstead area was broadly in balance with demands, although some pitches were overused. Whilst I consider that the conclusions of this study would have justified the principle of an off-site financial contribution towards the provision of additional pitches (e.g. Bunkers Lane) as well as on-site provision of one junior pitch as proposed, I acknowledge that there is no specific requirement for this in the development brief.

As the 1998 playing pitch strategy is relatively out of date and will soon be superseded by the Council's emerging assessment of indoor and outdoor sports facilities assessment, I consider that the most appropriate way forward for assessing whether there is a need for development to make a contribution would be to consider if this assessment identifies deficiencies in the Hemel Hempstead area. If the assessment does identify significant deficiencies, I would expect consideration to be given to appropriate contributions being made as part of contributions proposed for other community facilities.

I can confirm that subject to this requirement being met that Sport England would withdraw its objections to this application. If the assessment does not identify any deficiencies in provision then I would not expect a contribution to be secured.

Latest Amended Plans

Any comments received will be reported at the committee

Hertfordshire and Middlesex Wildlife Trust

Original Plans

The boundary for this application incorporates an identified Wildlife Site (Home Wood). This

woodland has been identified as a semi-natural ancient beech woodland. Wildlife sites are selected because they meet agreed scientific criteria for their important habitats and species. Wildlife sites are of County Importance for the wildlife they support and are regarded as being of substantive value, as required by Government Guidelines on nature conservation, PPG9. The importance of Wildlife sites as critical natural capital in Hertfordshire has been recognised by their inclusion in the Dacorum Borough Local Plan (Policy 102) and by specific policies designed to protect Wildlife Sites in the Hertfordshire County Structure Plan Review 1991-2011 (as adopted in 1998).

The trust would oppose the loss of any part of this woodland. If this application is approved, we would want to see measures in place to protect the woodland from any direct and indirect effects associated with the proposed development. I refer to the Landscape and Ecological Design strategy (5.3). We endorse these proposals, particularly to protect Home Wood by a buffer zone and to extend the existing woodland area. We recommend that the proposals set out in this Design Strategy are enforced through appropriate planning conditions. Recommends 12 conditions to protect the ecological interest of Home Wood and the surrounding development.

Amended Plans

The Trust is pleased to see that our previous comments requesting ecological surveys have been taken on board and that an ecological survey has been completed. The Trust is also pleased to see that this application has included all the landscape details at this stage and that these have not been left to form conditions of planning. Having the full details of the landscaping proposals in addition to the ecological report allows the Trust to see more clearly the impact that the development will have on the ecology of the area.

With regards to the ecological survey the Trust is satisfied that the techniques used and the timing of the surveys are correct. It is noted that the findings of the survey conclude that reptile surveys were incomplete at the time of writing the report. Have these now been completed?

It is also noted that the ecological report stated that appendix 1 gives the species lists however this list is not given in appendix 1. The Trust would therefore like to request a copy of the species found on the site.

The Trust is happy with the other findings with the exception of the translocation of the grasslands. Herts and Middlesex Wildlife Trust believe that translocation of habitats or communities is never an acceptable alternative to *in situ* conservation and should only be considered a last resort. There is no evidence that habitat or community translocations succeed in maintaining the biodiversity supported by the original site (Gault 1997). As such the Trust would wish to see these species rich grassland areas (within fields 3 and 4) where possible incorporated into the landscaping design.

With regards to the landscaping the Trust are happy with the landscaping proposals (with the exception of the grassland translocation discussed above). We would point out that the ecological report suggests that one hedgerow is being used by badgers and therefore would be important to ensure that this is kept.

It is noted that the design guide states some of the species to be used within the landscaping however there is no mention of what species will be used for the meadow grassland forming the green corridor. The Trust would be happy to advise of appropriate species mixes suitable for this purpose should this be required.

It is pleasing to see the future management of the green corridor and open spaces within the development has been considered at this stage and the Trust is happy with the detailed management statement of this. A proposal has also been given to produce a management

plan for Home Wood. The Trust would wish to ensure that this is produced and would request that this forms part of any planning agreements for the site.

Three Valleys Water Company

Any Comments received will be reported at the meeting.

Commission for Architecture and the Built Environment (CABE)

We are consulted about more schemes than we have the resources to deal with and, unfortunately, we will not be able to comment on this scheme.

Ministry of Agriculture, Fisheries and Food (MAFF)

We are consulted about more schemes than we have the resources to deal with and, unfortunately, we will not be able to comment on this scheme.

Thames Water

Original Plans

Waste Comments

Surface Water Drainage – With regard to surface water drainage it is responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. It must not be allowed to drain into the foul sewer as this is a major contributor to sewer flooding. Thames Water recognises the environmental and economic benefits of surface water source control and encourages its appropriate application for the overall benefit of customers. Thames Water will recommend that the applicant:

- (a) Looks to ensure that new connections to the public sewerage system do not pose an unacceptable threat to surcharge, flooding or pollution,*
- (b) Check the proposals are in line with advice from DETR which encourages, wherever practicable, disposal on site without recourse to the public sewerage system – for example in the form of soakaways or infiltration areas on free draining soils,*
- (c) Ensure the separation of foul and surface water sewerage on all new developments.*

Where disposal of surface water is other than to a public sewer, then the applicant should ensure that approval for the discharge has been obtained from the appropriate authorities.

In respect to surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving network through on or off site storage.

There are public sewers crossing the site, therefore no building will be permitted within 3m of the sewers without Thames Waters approval.

Thames Water would recommend that petrol/oil interceptors are fitted to all car parking facilities to prevent pollution of the local watercourse.

Water Comments

No water comments.

Supplementary Comments

With the information provided, Thames Water has been unable to determine the capacity of wastewater infrastructure needs of this application.

We advise that development should not commence until details of on site drainage works have

been submitted to, and approved by, the local planning authority in consultation with Thames Water.

The increase flows from the development are likely to be substantial and may lead to sewerage flooding. Impact studies of the existing infrastructure will be required in order to determine the magnitude of any new additional capacity required in the system and suitable connection point. The developer will be required to fund this and early contact with Thames Water is recommended. If agreement cannot be reached then Thames Water would have no alternative but to object on grounds of insufficient capacity in infrastructure.

All public sewers should be considered to surcharge to cover level. On site drainage should be designed with this in mind and storage provided where necessary.

Any redundant drainage on the site should be grubbed up and sealed to the satisfaction of the building inspector. Any redundant connections should be capped off and sealed at the junction with the main sewer.

Better advice can be given once the drainage strategy for the development has been issued.

Amended Plans

Waste Comments

Thames Water must recommend that the applicant consults with the Thames Water Development Control Department on telephone number 01923 898072 who will determine the ability of the local sewers to dispose of foul and surface water. If investigations find that insufficient capacity is available, Thames Water will provide the additional capacity as soon as is practicable. To ensure Thames Water has sufficient lead-in time to provide such additional services we would like the following condition to be imposed:-

“Development shall not commence until details of on site drainage works have been submitted to, and approved by, the local planning authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed” or

In the case of off-site drainage works a Section 106 agreement be recommended for the development. Thames Water would then recommend the following clause be included – “Not to commence the development or any part thereof unless and until

- (a) details of off site foul and surface water drainage have been approved in writing by the Planning Authority in consultation with the Sewerage Undertaker and
- (b) arrangements have been made to satisfaction of adequate foul and surface water drainage for the whole of the development. Such drainage should be secured where appropriate by means of a public sewer requisition pursuant to sections 98 to 101 of the Water Industry Act 1991”. Reason – To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system.

Thames Water would recommend that petrol/oil interceptors to be fitted in all car parking facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourse.

Increased flow from the development may lead to sewage flooding. Impact studies of the existing infrastructure will be required in order to determine the magnitude of any new additional capacity required in the system and a suitable connection point. The developer will be required to fund this and early contact with Thames Water is recommended.

Where disposal of surface water is other than to a public sewer, then the applicant should ensure that approval for the discharge has been obtained from the appropriate authorities.

In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving network through on or off site storage.

British Gas Properties

Any Comments received will be reported at the meeting.

Veolia Water

You should be aware that the site is located within the groundwater protection zone of Marlowes pumping station. This is a public water supply comprising a number of chalk boreholes operated by Three Valleys Water.

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 CIRCA Publication C532 "Control of water from construction – guidance for consultants and contractors".

Local residents

The following comprises a summary of the concerns of local residents under key issue headings:

- General
- No axonometric drawings submitted.
- 3D perspectives should be provided
- There are discrepancies between Richard Boast plans and James Blake landscape plans
- 3D visualisation should be produced
- A sunlight/daylight report should be submitted
- EIA should be undertaken

Principle

- There should be no building on Green Belt
- Brown field sites should be developed first
- Council is in breach of PPG3
- There has been too much building in Apsley to its detriment
- The number of units is too high at 325.
- There should be a maximum of 315 dwellings
- Original proposals for 260, later increased to 300 and now 340+ dwellings. This is an attempt to mislead local people about the scale of development.
- Location of Spine Road undermines intentions to create a long term defensible green belt boundary and should be relocated away from the Shendish boundary
- A dense belt of vegetation 15m wide should be created on the Shendish boundary with no formal woodland walks in order to create a defensible Green Belt boundary

Affordable housing

- Proportion of affordable units at 37% is too great
- There is no key worker housing proposed
- There is a poor distribution of affordable housing units contrary to PPG3 guidance and

the Councils own guidance and what was agreed at the focus groups. Units should be pepper-potted to prevent the creation of ghettos and pockets of social deprivation. 70% will be accessed from King Edward Street.

- Object to the large block of affordable housing flanking the school.
- Design of affordable houses would be acutely discernible from the private houses, contrary to the Devt Brief
- Must meet Lifetime Homes standards, a good eco homes rating, high HQI score and be more integrated
- Car parking must not dominate the home zones
- Council houses too close to existing private housing
- Location of affordable houses is in the least desirable parts, at odds with PPG3 guidance on creating mixed and sustainable communities.
- Distribution concentrated towards the lower end of Manorville Road leading to loss of value

Design and layout

- High density flats adjacent to the school and High Ridge Road bungalows are inappropriate
- The density of development is too high and this results in over-development of the site.
- Design extremely bland and does not measure up to the Devt Brief
- Design not in keeping with the existing estate, contrary to the Devt Brief.
- It is at best a poor pastiche of a village style exemplified by Poundbury
- The height of the proposed houses adjacent to the Shendish boundary and Kennel Cottages does not acknowledge the scale, character and form of neighbouring properties and is thus unacceptable
- Three storey properties are considered to be out of character, insensitive to neighbouring bungalows and contrary to the Devt Brief
- All parking areas and garage courts should be cobbled to dissuade skateboarders
- Garages should not be flat roofed
- Flats near the school and bungalows will bring aggravation
- Visual encroachment of roofs on the landscape

Amenity

- Overlooking of properties at tops of existing cul-de-sacs.
- Three storey properties will be overbearing
- Loss of privacy and overbearing appearance on Nos. 68, 72 and 76 High Ridge Road
- Loss of light, privacy, draft to chimney and overbearing impact on No. 85 West Valley Road
- Overlooking of No. 18 King Edward Street
- Loss of views and privacy to No. 49 High Ridge Road and potential for noise and pollution from car parking areas to the rear of dwellings
- Loss of privacy, outlook, sunlight and value to No. 24 Manorville Road. No consideration of screen planting appears to have been given
- Loss of value from location of affordable housing
- Increased noise, nuisance and vandalism
- Loss of value
- Although heed has been taken to reducing the height of properties behind High Ridge Road we would reiterate ground levels are rising causing issues of overlooking.
- There are 17 houses backing onto properties at the top of High Ridge Road with small gardens that will not get the afternoon and evening sun.

Landscaping, Ecology and Open Space:

- Wildlife has not been properly considered and a thorough survey should be done
- The width of the landscape corridor is unacceptable

- There is a lack of sensitivity regarding the existing trees and hedgerows
- There should be a landscape corridor/planting to protect existing residents
- New open space and play areas should be provided
- Play areas should be sited away from houses
- Play area dangerous next to railway line
- Play area dangerous next to A41
- Play areas should be surrounded by houses and less isolated
- Village Green too close to bypass and will not be used at the top of a hill
- Buffer planting along Shendish boundary inadequate
- There are Badgers in Cocks Head Wood
- Noise/nuisance to Edward Court properties from proposed playground
- Unclear if native planting and due regard given to fauna and flora
- Concerned at potential for removal of vegetation from gardens that back onto High Ridge Road
- Concerned at loss of wildlife
- Concerned at loss of mature trees from “swan neck”
- Approve of the proposals for open spaces, walks and play areas, but there is nothing for teenagers
- Loss of trees in front of No. 85 West Valley Road
- Footpath to rear of Manorville Road will be a magnet for undesirables
- Insufficient information on landscaping

Drainage, Sewerage and Utilities Capacity:

- Inadequate sewerage infrastructure
- How can this development be approved with water restrictions in place?
- The pumping station is poorly located, will be noisy, smelly, unattractive and a target for vandalism.
- The requirement for a pumping station must indicate that the site is overdeveloped.
- The provision of a pumping station must trigger a need for an Environmental Impact Assessment.
- Inadequate provision for local services

Traffic, Parking and Movement

- Will cause unacceptable increase in traffic congestion in London Road
- Installation of guard rails and removal of parking bays outside Nos. 72, 74, 78 and 108 London Road will cause hardship to these businesses which may have to close
- Access along King Edward Street is unacceptable and will become more dangerous
- Access should be considered from the bypass to ease congestion
- There needs to be a Bond
- Proper traffic calming measures required to the spine road
- Car parking for the private houses is too high contrary to PPG3
- Inadequate car parking for the flats
- There is no right of way from top of High Ridge Road into the new estate
- Speed humps need in Featherbed Lane
- Completion of road bridge before 50th dwelling
- Bridge must be built before any dwellings
- All roads should be cleaned daily
- Pleased at narrowing of King Edward Street as it enters the new estate
- Potential parking problems on the landscape corridor
- Cycle path emerging downhill adjacent to No. 85 West Valley Road will be a serious danger
- Requests further details of design of pedestrian bridge adjacent to No. 10 Kents Avenue
- Bus gate a good idea

- A roundabout should be placed at the junction of “new King Edward Street” and Featherbed Lane to slow traffic.

Education

- S106 monies should be provided to help the school grow to accommodate the extra pupils
- Furious at proposals to drop requirement for school extension land
- Reserved site adjacent to Two Water School should not be allocated for housing
- Drop off zone will be too small if the school ever expands

Retail outlet

- No convincing case has been put forward for the shop
- There are enough shops on London Road within walking distance
- Would cause traffic problems and site for undesirables

Other

- Consultation with residents of Kennel cottages and Shendish not been democratic
- Council has not complied with ODPM on Community Involvement in Planning.
- Kennel Cottages not identified
- Fence/hedge from school to play area must be constructed before work starts
- Hours of work should be imposed and deliveries restricted
- Can the school advise parents of the proposed drop off zone?
- Air quality study should be commissioned

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

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

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

- 2 **No development shall take place until a plan showing how the development will be phased and implemented shall have been submitted to and approved in writing by the local planning authority. The phasing plan shall show each separate phase of development and provide details of start and completion dates. The development shall then be carried out in accordance with the approved phasing details, unless the local planning authority gives its written consent to any variation.**

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

- 3 **Notwithstanding any details submitted, no development shall take place until samples of the materials (including sample panels showing brickbond, mortar colour and pointing) to be used in the construction of the external surfaces of the development hereby permitted (including boundary walls) shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development.

- 4 **Unless otherwise approved in writing by the local planning authority, all window frames shall be finished white and recessed 90 mm from the face of the elevation in which they are set, all doors shall be painted/stained timber, all fascias, bargeboards, and other joinery shall be white painted/stained timber, and all juliet balconies shall be finished black and, notwithstanding any details submitted, no development shall take place until details of each type/style of window, for each different house/flat type, at a scale of 1:20 (including materials and vertical cross sections through the openings) shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure a sustainable form and satisfactory appearance to the

development.

- 5 **No development shall take place until details of the proposed finished levels or contours of the site and proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land (noting positions of trees), and buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved levels, unless otherwise agreed in writing by the local planning authority.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

- 6 **Notwithstanding the details submitted no development shall take place until a plan showing all trees to be retained and measures for their protection during construction works and details of a timetable for the erection and removal of such protection measures shall have been submitted to and approved in writing by the local planning authority. Construction works include any ground clearance, demolition or excavation. No materials, plant or equipment shall be stored or deposited and no mixing of materials shall take place within the area(s) so protected.**

Reason: To ensure that damage does not occur to the trees during building operations.

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

- **hard surfacing materials (including car parking, access and circulation areas);**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels or contours;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**
- **a maintenance programme for any areas that are not to be publicly maintained.**

The approved landscaping scheme relating to each separate phase area shall be implemented by the end of the first planting season immediately following the completion of that phase of the development (a planting season means the period from 1 October in any one year to 31 March in the next following year). Any approved landscaping falling outside of any phase area shall be implemented by the end of the first planting season following the completion of the last phase of development. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting

and any parts of the landscaping scheme which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

8 **No development shall take place on the land hatched purple (Purple Land) without first having submitted to the Council for approval and having obtained the Council's written approval to a scheme which sets out details for the layout, design ecological enhancement and details of the landscaping within and around the land cross hatched black (Additional Land) on Drg. No. PO72 rev A. Such scheme shall include:**

- details of levels and contours;
- any underground services required;
- siting of a community planting project;
- all new hard surfacing materials (including details of street furniture, play equipment and means of enclosure (if any));
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works; and
- a detailed programme for the implementation and maintenance of such works.

The approved landscape works shall be implemented prior to the occupation of the last of the residential units in the phase immediately adjoining the Additional Land. The hard and soft landscape works shall thereafter be maintained for a period of twelve (12) months after completion to the satisfaction of the Council who, when so satisfied, shall issue a certificate ("the Certificate") accordingly, and any remedial works required by the Council shall be subject to inspection by the Council until such time as the Applicant shall have completed the remedial works to the reasonable satisfaction of the Council who, within twenty eight (28) days thereafter, shall issue the Certificate. For the purposes of this condition the phase area shall be as approved under Condition 2 above."

Note: The Landscaping Scheme may be submitted under a scheme for all of the open space in the application site.

9 **No development shall take place until a scheme indicating all of the proposed means of enclosure within and around the site whether by means of walls, fences or hedges shall have been submitted to and approved in writing by the local planning authority. These details shall include a programme for the construction, erection or planting of the approved means of enclosure. The development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

10 **Notwithstanding any details submitted, no development shall take place until**

further details of the specific measures to protect the privacy of Nos. 8 to 22 Manorville Road inclusive from the "Swan-Neck" running between Featherbed Lane and King Edward Street shown on Drawing P005 Rev J shall have been submitted to and approved in writing by the local planning authority. These details shall include a programme for the implementation of the approved measures. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 11 **No development shall take place until details of the means of securing individual cycles within the cycle stores shown on the approved plans shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and notwithstanding any details submitted, the cycle stores shall be fitted with lockable doors.**

Reason: In the interests of providing secure facilities for cycle parking/storage.

- 12 **Notwithstanding any details submitted, no development shall take place until plans and details showing how the development will provide for renewable energy and energy efficiency and conservation measures to meet level 3 of the Code for Sustainable Homes and explaining how the development would seek to generate 10% of its energy from renewable or low carbon sources shall have been submitted to and approved in writing by the local planning authority. These details shall include a schedule of renewable energy, energy efficiency and conservation measures by Plot number. All approved measures shall be incorporated into each individual house or flat before it is first occupied.**

Reason: To ensure sustainable development of the site in accordance with Policy 1 of the Local Plan and Supplementary Planning Document, Energy Efficiency and Conservation.

- 13 **No development shall take place until a scheme for foul and surface water drainage shall have been submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water run-off so that it does not discharge into the highway or foul water sewerage system. Before any house or flat is first occupied within any separate phase of the development, the approved drainage measures within that phase area shall be provided. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.**

Reason: To ensure the satisfactory disposal of foul and surface water, to ensure sustainable development of the site in accordance with Policy 1 of the Local Plan and Supplementary Planning Document, "Water Conservation."

- 14 **No development shall take place until the following shall have been submitted to and approved in writing by the local planning authority:**
- (a) **the results of a survey carried out to identify which of the proposed dwellings is likely to be affected by noise and vibration from the railway in accordance with national guidance in PPG24; and**
 - (b) **a scheme for protecting the affected dwellings from noise and vibration from the railway.**

No affected dwelling shall be occupied until the works which form part of the approved scheme referred to in (b) above which relate to that specific dwelling shall have been completed.

Reason: In accordance with PPG24 in the interests of the amenity of residents.

- 15 **Notwithstanding any details submitted, no development shall take place until details of proposals to control smell and noise nuisance arising from the foul sewage pumping system shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: In the interests of residential amenities.

- 16 **No development shall take place until details of measures to reduce the possibility of crime in accordance with ODPM "Safer Places - The Planning System and Crime Prevention" shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To design out crime in accordance with ODPM "Safer Places - The Planning System and Crime Prevention".

- 17 **No development shall take place until details of a method statement (including timetable) for the translocation of areas of important grassland shall have been submitted to and approved in writing by the local planning authority. The grassland shall then be translocated in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 18 **No development shall take place until a scheme showing how protected species of animals (badgers, bats, lizards, dormice) present on the site will be accommodated within the design/layout shall have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.**

Reason: To ensure the appropriate accommodation of protected species and their habitat within the development.

- 19 **No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the local planning authority. This condition will only be discharged when the local planning authority has received a fully detailed report of all of the archaeological investigations.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence.

- 20 **No development shall take place until details of facilities for washing the wheels of construction vehicles leaving the site and of the operation and maintenance of such facilities shall have been submitted to and approved in writing by the local planning authority. Such details shall include measures**

for the regular removal and disposal of any mud brought onto the highway. Wheel washing facilities shall then be provided in accordance with the approved details prior to the commencement of construction works and they shall thereafter be operated and maintained, along with measures for the disposal and removal of mud, in accordance with the approved details for the duration of construction works.

Reason: In the interests of highway safety.

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

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a basic hazard 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 basic hazard 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 the above condition 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:

The applicant is advised that Phase I and Phase II reports relating to site contamination should be carried out by or under the direction of a suitably qualified person.

These reports should comply with BS 10175 which clearly sets out how a site investigation and risk assessment should be carried out.

Contaminated Land Planning Guidance can be obtained from Environmental Health or via the Council's website: <http://www.dacorum.gov.uk/default.aspx?page=2247>

- 23 **All storage areas and facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site associated with the construction of the development hereby permitted, including the access works, shall be provided for the duration of the development on land which is not a public highway and which is not in an area required for tree protection and the use of such areas must not interfere with the use of the public highway or any trees.**

Reason: To ensure the adequate and satisfactory provision of off-street construction-related vehicle parking facilities.

- 24 **No house or flat shall be occupied until the facilities for vehicle parking and access (including cycle storage) for that house and/or flat shall have been provided in accordance with the details shown on the approved plans, and such facilities shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 25 **The refuse storage facilities for the blocks of flats shown on the approved plans shall be provided before any flat in any block to which they relate is first occupied.**

Reason: In the interests of providing satisfactory facilities for the storage of refuse.

- 26 **Before any house or flat is first occupied within any separate phase of the development, the approved roadway, access, turning and circulation areas within that phase area shall have been laid out and constructed to base course level. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.**

Reason: In the interests of highway safety and convenience.

- 27 **Development shall be undertaken in accordance with the mitigation measures as set out in the Air Quality Assessment Report.**

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

- 28 **Except in relation to the bridge works, or as may otherwise be agreed in writing**

by the local planning authority, no construction works relating to this permission shall be carried out outside the following hours:

Monday to Friday 07.30 hours to 18.00 hours
Saturday 08.00 hours to 13.00 hours

There shall be no construction work on Sundays or Bank Holidays.

Reason: In the interests of the amenity of nearby residents.

- 29 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order) (with or without modification) no development on the following properties 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

Class A

TWA3 - Plots 23, 25, 29

TWA4 - Plots 53-58, 60, 70, 79-82, 87, 90, 98-101, 105-107, 125, 132, 136, 137, 138, 141, 142, 147, 148, 177, 182, 186, 189, 193, 194, 201, 203, 204, 209, 211, 215-217, 225, 229, 239, 248, 254, 256-259, 260-269, 270-280, 282-285, 287, 288, 290, 295,

Class B

TWA3 - Plots 1, 2, 18-30

TWA4 - Plots 1-6, 38-58, 59, 60, 70, 78-84, 87, 90-93, 98-101, 125-128, 129, 133-136, 139-140, 146-153, 177, 182, 185, 186, 189-193, 196, 197, 201, 203-204, 206, 207, 211-217, 225, 229-233, 239, 242-248, 251, 254, 256-280, 282, 283, 285, 287-295,

Class C

TWA3 - Plots 1-30 (excluding flats)

TWA4 - Plots 1-295 (excluding flats)

Class D

TWA3 - Plots 18-22, 25-27, 29, 30

TWA4 - Plots 55-58, 59, 62-69, 71, 78, 103-106, 108, 131, 132-141, 196, 197, 201-204, 210-214, 230, 231, 243-246, 248, 249, 258, 259, 267-269, 277, 278, 289,

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenities of the locality (including the original design concept of the dwellings).

- 30 **The windows in the following properties shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority:**

TWA 3:

Plot 18 - First floor bathroom

Plot 19 - First floor bathroom

Plot 23 - First floor landing and shower room

Plot 24 - First floor landing and shower room
Plot 25 - First floor bathroom
Plot 27 - Stairwells

TWA 4:

Plot 9 - Bathroom and south east living room
Plot 11 - Bathroom and south east living room
Plot 41 - Landing
Plot 42 - En-suite
Plot 50 - Upper stairwell
Plot 59 - First floor en-suite
Plot 75 - North-most window to bedroom 5
Plot 84 - First floor bathroom
Plot 88 - First floor en-suite
Plot 89 - Bedroom 4
Plot 96 - Stairwells
Plot 99 - First floor en-suite
Plot 126 - Stairwells
Plot 133 - Stairwells
Plot 137 - First floor en-suite
Plot 138 - Bedroom 6
Plot 139 - First floor en-suite
Plot 141 - First floor en-suite
Plot 144 - First floor bathroom
Plot 177 - South east bedroom 2
Plot 180 - Hall, bathroom and store
Plot 181 - Hall, bathroom and store
Plot 182 - North west bedroom 2
Plot 185 - South east bedroom 2
Plot 186 - bathroom and en-suite
Plot 190 - Stairwells
Plot 200 - First floor en-suite
Plot 201 - En-suite
Plot 202 - En-suite
Plot 203 - En-suite
Plot 204 - En-suite
Plot 205 - First floor en-suite
Plot 207 - First floor bathroom
Plot 214 - First floor en-suite
Plot 219 - Stairwells
Plot 234 - First floor en-suite
Plot 235 - Bedroom 5 and 6
Plot 236 - First floor en-suite
Plot 237 - First floor en-suite
Plot 238 - Bathroom
Plot 246 - Bedroom 5 and 6
Plot 249 - First floor en-suite
Plot 250 - Bathroom
Plot 260 - Stairwells
Plot 286 - Bathroom
Plot 294 - Stairwells

Reason: In the interests of the amenity of adjoining residents.

Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.

Reason: In the interests of highway safety.

- 32 **The development shall be constructed fully in accordance with the approved plans and particulars and there shall be no variation, unless otherwise agreed in writing by the local planning authority by way of a further planning application or an application for a non-material minor amendment, as appropriate.**

Reason: For the avoidance of doubt and to preserve the original design concept of the dwellings in the interests of the visual amenities of the area and to ensure a satisfactory appearance to the development.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is allocated in the Local Plan as a Housing Proposal Site under TWA3 and TWA4. Residential development of about 300 houses is therefore accepted, together with the provision of open space, landscaping and other community benefits as set out in detail within the adopted Manor Estate Design and Development Brief. The Development Control Committee resolved to delegate the grant of outline permission for residential development on this site (4/02329/04/OUT) on 10 March 2005, subject to a s.106 agreement. The agreement is awaiting completion.

Full planning permission is sought for the erection of 325 dwellings on the site, together with the provision of open space, landscaping, footpath links and associated highway works. An environmental statement was deemed not to be required for this development on 5 October 2004. The Highway Authority has previously concluded that the proposed means of access, and various highway improvements will accommodate up to 340 dwellings without harm to the surrounding highway network.

The density of the proposed scheme equates to approximately 36 dwellings per hectare which is considered to strike a reasonable balance between the current density of the Manor Estate, its urban fringe location and the requirements of central government to make best use of land. This accords both with PPG3 advice and Policies 10 and 21 of the Local Plan.

The proposed layout of the extension to the Manor Estate closely follows the master-plan layout adopted in the Manor Estate Design and Development Brief. The number of dwellings can be satisfactorily accommodated on the site without detriment, and the design and layout would respect the existing Manor Estate. There would be no harm to adjoining residential amenities. The proposal would accord with Policy 11 of the DBLP.

The provision of 35% affordable housing will form a significant proportion of the

required annual supply (91%) in the district and is considered to provide a suitable compromise between the desires of local residents and the overall aims and objectives to supply a larger proportion of affordable housing. The distribution of the affordable housing in five areas is considered an acceptable compromise between the interests of social inclusion and the issues of maintenance and management by the RSL.

Subject to a suitable management plan and landscaping proposals, as required by the Development Brief, the provision of open space is considered acceptable. The development would have a satisfactory relationship to existing trees. The major ecological issues emerging from the application can be dealt with by condition.

The provision of a bus gate will act as an effective traffic management tool to limit access from King Edward Street to 84 units. The diversion of public footpath 73 will be secured around the perimeter of the application site. Subject to the comments of the Highways Authority, estate access is considered satisfactory and car parking is in accordance with PPG3 and adopted standards in the Local Plan.

Sustainable drainage methods would be adopted and the development would make efforts to minimise the use of energy through renewable energy sources and energy conservation measures. An Energy Consumption Statement indicates a 23% reduction in CO2 emissions as against conventional technologies and building methods.

In accordance with the submitted air quality assessment, whilst overall CO2 emissions would rise, the impact on air quality from the houses would be below EU limit values. The likelihood of smell nuisance from the proposed pumping station is considered to be low and any responsibility for offensive smells will fall to the adopting sewerage authority.

The developer has agreed to make financial contributions, inter alia, towards engineering works on the school site, to fund a school bus service, to help subsidise the running of a public bus service, for medical services in Apsley, for community facilities and to help subsidise local shopping in Apsley centre. These benefits would be secured by legal agreement.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Part 3 General Proposals

Policies 1, 2, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 49, 50, 51, 54, 55, 58, 61, 62, 63, 64, 67, 69, 70, 72, 73, 76, 79, 80, 96, 98, 99, 100, 101, 102, 103, 107, 111, 113, 115, 116, 118, 122, 123 and 124.

Two Water and Apsley Insert

Appendices

Appendices 1, 3, 5, and 8

Supplementary Planning Documents/Guidance

Eligibility Criteria for the Occupation of Affordable Housing

Energy Efficiency and Conservation

Environmental Guidelines

Manor Estate Development Brief

Water Conservation

INFORMATIVES:

Badgers

The applicant is advised that an English Nature licence will be required for any construction work within the following distances of a badger sett:

30 metres for Heavy Plant

20 metres for Light Plant

10 metres by Hand

Fire and Rescue

- The applicant is advised that vehicle access for fire service vehicles should be constructed in accordance with Section 17 of Approved document B of the Building Regulations 2000 where applicable.

Particular attention should be paid to table 21 and diagram 50 of above document.

- The applicant is advised that water supplies for fire fighting purposes should be provided and sited in accordance with BS5588: Part 5: 2004.

Public Sewers Crossing the Site

- The applicant is advised that there are public sewers crossing this site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building/development work please contact Thames Water on 0845 850 2777.

Disabled Access

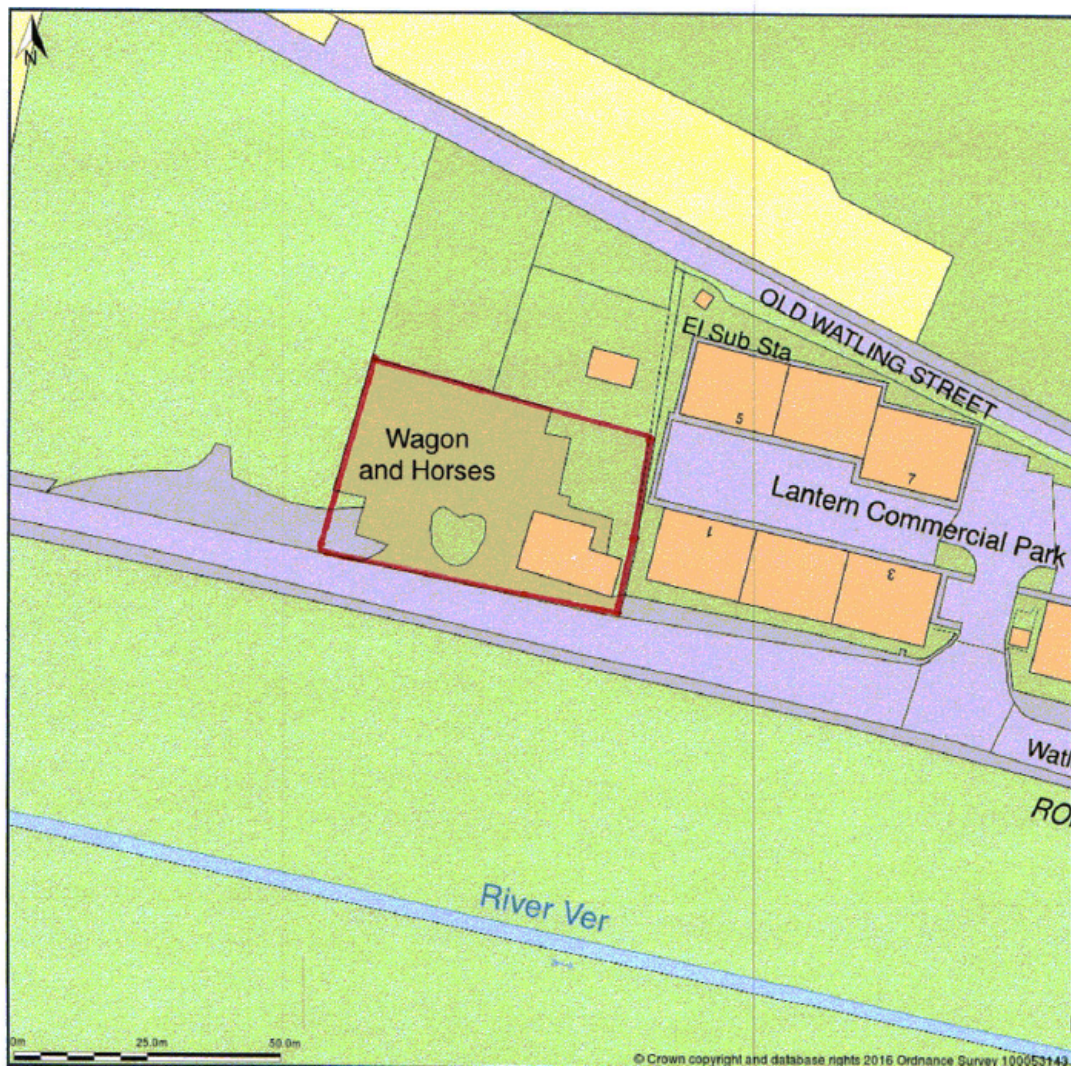
All units should have level access and accessible thresholds in order to comply with the current Building Regulations.

Item 5c

**4/01064/16/FUL – NEW BUILDING TO ENCLOSE EXISTING BUILDING.
EXISTING BUILDING TO REMAIN WITHIN THE NEW STRUCTURE.**

WAGON AND HORSES, LONDON ROAD, FLAMSTEAD, ST. ALBANS, AL3 8HG

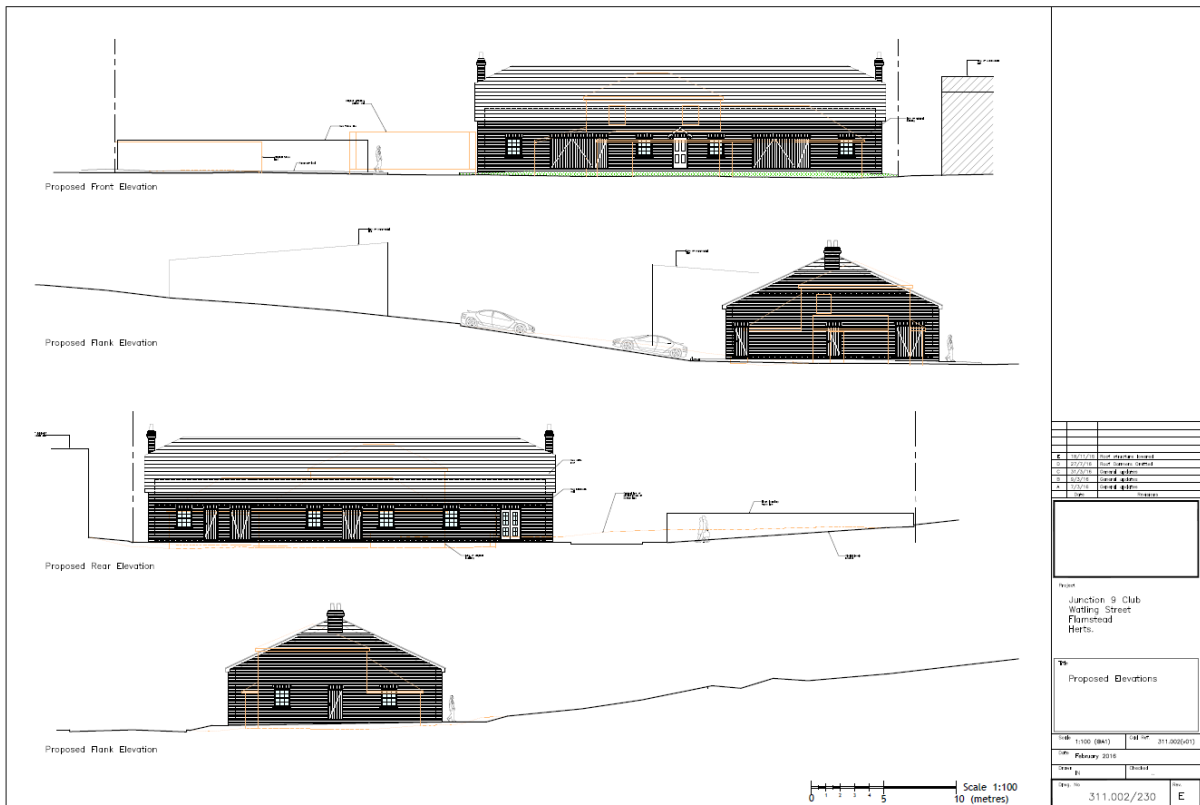
Junction 9 Watling Street, Flamstead, AL3 8HG



Item 5c

**4/01064/16/FUL – NEW BUILDING TO ENCLOSE EXISTING BUILDING.
EXISTING BUILDING TO REMAIN WITHIN THE NEW STRUCTURE.**

WAGON AND HORSES, LONDON ROAD, FLAMSTEAD, ST. ALBANS, AL3 8HG



**4/01064/16/FUL - NEW BUILDING TO ENCLOSE EXISTING BUILDING. EXISTING BUILDING TO REMAIN WITHIN THE NEW STRUCTURE..
WAGON AND HORSES, LONDON ROAD, FLAMSTEAD, ST. ALBANS, AL3 8HG.
APPLICANT: Mr Shayler.**

[Case Officer - Jason Seed]

Summary

The application proposes the erection of a new building to enclose an existing commercial building which is situated on London Road, Flamstead. The current facility houses a private dance club. It is considered that whilst the proposed structure would amount to inappropriate development within the Green Belt, very special circumstances exist to justify the proposal which will result in the enhancement of an existing business to the benefit of the rural economy. As such, the development is considered to comply with the relevant planning policy environment and is therefore recommended for approval.

Site Description

The application site is situated to the immediate north of the A5 just under 1km from Junction 9 of the M1 and approximately 450m north east of the village of Flamstead. The application site comprises an existing a two storey detached building with single storey elements. The structure is timber clad with brick extensions and a concrete tile roof. It is currently served by an in - out vehicular access / egress with a grassed area and high wall separating the two. The majority of the western part of the site is laid to hardstanding providing parking for 40 cars, although manoeuvring in and out of some of the spaces is considered to be difficult.

The site is subject to the following relevant planning designations: Green Belt, CIL2.

Proposal

The application seeks full planning permission for the enclosure of the existing building with the existing building remaining within the new structure. A number of additional alterations are proposed at the site as detailed within the relevant sections of this report.

Referral to Committee

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

Relevant Planning History

None

Considerations

Policy and Principle of the Development

Whilst the site is situated within Flamstead, it is outside of the defined Small Village boundary. As such, Core Strategy Policy CS5 provides the relevant local planning policy context for the proposed development.

Policy CS5 states that within the Green Belt, small-scale development will be permitted which includes the following:

(a) building for the uses defined as appropriate in national policy;

- (b) the replacement of existing buildings for the same use;
- (c) limited extensions to existing buildings;
- (d) the appropriate reuse of permanent, substantial buildings; and
- (e) the redevelopment of previously developed sites.

Provided that:

- i. it has no significant impact on the character and appearance of the countryside; and
- ii. it supports the rural economy and maintenance of the wider countryside.

Paragraph 89 of the National Planning Policy Framework (NPPF) states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, exceptions to this include:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, and;
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

It is therefore considered necessary to test the proposal against the above Green Belt principles to assess the acceptability of the principle of the development.

Green Belt Assessment

With regards to the proposed car parking arrangements, it is considered that whilst the slight spread of the parking to the east of the site will occur, the number of vehicles that can park at the site will not increase, the positioning of the spaces to the rear of the proposed structure will minimise their impact. As such, this element of the proposal is considered to be an acceptable engineering operation.

It is noted that the proposal is of unorthodox construction. The applicant's agent has stated within the submitted 'Initial Construction Method Statement' that the proposal is to retain the existing structure but remove the first floor. A structural steel portal frame will be placed over the remaining structures with horizontal tie beams that run from the rear. It is stated that this would therefore allow for the operations of the facility to remain unaffected by the new works. It is therefore necessary to consider whether these works are considered extensions to an existing building, or a new building altogether.

As the proposal plans illustrate, with the exception of doors and partition walls, there are no construction works proposed to extend from any of the existing external walls. The proposed steel framed structure will essentially envelope the existing structure and could, had the existing structure not been retained, stand as an independent building of substantial construction and would not therefore be considered as an 'extension or alteration of' a building. It is therefore considered that the proposal is for a new building within the Green Belt and not an extension to an existing building, and the appropriateness of the development should be assessed against the relevant criteria.

As stated within the previous section of this report, building for the uses defined as appropriate in national policy are permitted within the Green Belt. The proposed development does not fall within any of the uses defined as appropriate. Furthermore, the building is not a replacement building as a large proportion of the existing building will remain in situ.

Both local and national policy permits the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. However, it is quite clear from the proposal plans and the nature of the proposal that the proposed building would have a greater impact on the openness of the Green Belt than the existing structure and as such, does not meet the criteria required to be considered an acceptable redevelopment of a previously developed site. This opinion is supported by the figures below:

Height

Ridge Height Increase above Existing: 0.52m

Floor Area

Existing Floor Areas (external): Combined Total 290m²

Proposed Floor Areas (external): Combined Total 408m²

Percentage Increase: 40.69%

Footprint and Volume

Due to the nature of the proposal, both the footprint and the volume of the proposal are greater than the existing building.

Based upon the above assessments, it is considered that the proposal does not constitute any of the appropriate forms of development in the Green Belt as defined by local and national planning policy.

Very Special Circumstances

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 continues by stating that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Within the submitted Planning Statement, the applicant states that the following benefits would arise from the proposal:

- The proposal would result in benefits to highways safety. Currently the in-out access arrangement can lead to confusion and the proposal seeks to improve this by creating one clear access / egress point;
- The improvements to parking arrangements. The proposals revise the existing parking arrangements to ensure that the proposed 39 spaces would benefit from adequate turning. The benefits of the internal arrangements would result in improvements for highways safety and use of the main access;
- Some of the new internal floorspace is to enclose ancillary business facilities which would otherwise be stored outside and have an impact on the openness of the Green Belt such as the bin storage area;
- The proposal would result in a considerable visual enhancement. The existing structure is comprised of various single storey and two storey elements, some of which are timber clad. The alteration of these to provide a better constructed, more sustainable building, constructed with slate roof and brickwork walls which would result in a visual enhancement to the area;
- The removal of a number of existing features as part of the proposals would result in a

benefit to the openness of the Green Belt. This includes the removal of the existing smoking shelter and the removal of walls, and;

- The proposed alterations would enhance the existing business which would lead to resultant benefits for the rural economy.

As the proposal plans illustrate, the new facility will provide a new entrance / reception area, a security office which is to be located close to the facility entrance, an increase in lobby areas and enhanced staff facilities. The proposal will also result in an aesthetic enhancement of the site. It is considered that these measures will revitalise the appearance of the facility whilst providing a more attractive and secure internal environment for its users. It is not unreasonable to conclude that the proposed improvements will provide an opportunity to improve the business as a whole which would contribute towards local economic development within a rural area.

It is considered that all of the above points weigh in favour of the proposed development.

As such, it is considered that, on balance, the proposal benefits from sufficient very special circumstances to justify a recommendation for approval in this instance.

Effects on Appearance of Building and the Street Scene

Due to the nature of the proposal and the lack of historic designation on the subject site, the impacts on the appearance of the existing building are not considered to be relevant to this assessment. However, it is considered necessary to assess how the proposal impacts upon the street scene.

The existing building (and site overall) is considered to be of limited aesthetic merit and does not make a notable contribution to the street scene.

In terms of its scale, the proposed structure will not be out of keeping with the large commercial structures which are positioned to the immediate east of the proposal site. The use of suitable materials (facing brick for the walls, dark grey concrete roof tiles, white upvc windows and timber doors) will provide a visual enhancement of the site as will the well-positioned doors and windows as evident within each of the proposed elevations, all of which are visible from public vantage points, including Old Watling Street to the north.

It is therefore considered that the proposal would result in an overall visual enhancement of the site when viewed from surrounding public vantage points and as such, is considered to comply with Policy CS12 of the Core Strategy.

Impact on Surrounding Properties and Occupiers

The application site is situated in excess of 100m from the closest residential properties (positioned to the north-west). These properties are separated from the site by dense and verdant vegetative cover. Taking these matters into consideration, it is considered that no adverse impact upon residential properties will result.

Furthermore, the proposal will not result in any adverse impact upon any commercial properties or their occupiers.

As such, the proposal does not conflict with the requirements of Policy CS12 of the Core Strategy.

Consultation Comments

Several objections have been received in response to the application as provided within the

Summary of Repts and bulleted below:

- Vegetation clearance;
- Unusual nature of the construction;
- Out of keeping;
- Local people not employed within the facility;
- Music coming from the facility impacting upon residential amenity;
- HGV parking off-site;
- Size of the development;
- Increased fire risk around the building;
- Employees are transient and the owner has no involvement in the local community.

Of those matters not addressed elsewhere within this report, the following responses are provided:

The site does not benefit from any restrictive designations in respect of trees, hedgerows etc., so vegetation clearance falls outside of planning control.

It is agreed that the construction method is unorthodox - the building has been designed to enable the walls that are to be retained to be usable and to minimise the need for excessive internal construction. The height of the proposal is dictated by the steel supporting beam which joins the roof planes of the new structure internally.

The applicant has submitted an Initial Construction Method Statement which states as follows:

- The proposal is to retain the existing structure but remove the first floor;
- The existing structure will be enclosed by the new external enveloping structure, this would therefore allow for the operations of the facility to remain unaffected by the new works;
- It is proposed to erect a structural steel portal frame over the existing, with horizontal tie beams that run from front to rear.
- The portal frame stanchions will be supported from new pad foundations, with concrete encased steel beams spanning between the stanchions in order to raise the new curtain walling, and;
- The walls to be exposed brick externally and block internally.
- The roof is to be pitched, with a slate covering.

Whilst it is considered that matters of construction are principally the concern of the Building Control department, Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible. At present, it is not considered that the applicant has demonstrated compliance with this policy due to the uncertainties surrounding the final ceiling / roof connectivity, void maintenance practices and other matters. As such, it is considered appropriate to condition a Detailed Construction Method Statement to ensure that the proposal complies with Policy CS29. The applicant is further advised to consider any relevant Health and Safety considerations associated with the construction phase of the development, particularly as they are considering keeping the business open during construction as it is the view of this Officer that, whilst not a planning issue, this is likely to be a highly challenging matter to address and should be given early consideration.

With regards to noise nuisance is considered to be materially increased as a result of the proposal given the existing and proposed separation distances involved with the proposal. Notwithstanding the provisions of Policy CS12 of the Core Strategy, such noise matters typically fall within the remit of the Licencing / Environmental Health departments.

No evidence has been provided to substantiate the comments in respect of displaced HGV parking and it is considered that limited weight can be applied to such matters. This is also a consideration for the relevant Highway Authority to police, should such a situation arise.

The point in respect of increased fire risk is acknowledged and it is considered that this matter will need to be fully considered through the Building Control regime to ensure that such matters do not present an unacceptable fire risk. It is also considered that the aforementioned condition requiring submission of a Detailed Construction Method Statement will enable closer scrutiny of this issue.

In response to the alleged lack of community involvement by the owner, this is not a materially planning consideration. Similarly, whilst the provision of jobs for local workers is encouraged, the alleged transient nature of workers, if this were the case, would not be a material planning consideration. The general economic thrust contained within national and local policies does not restrict economic development or the provision of employment opportunities in this manner.

Highways and Parking

Schedule 4 (i) of the Development Management Procedure Order (2015) requires consultation with Highways England (HE) in relation to development which consists of or includes the construction, formation or layout of access to or from a trunk road.

HE within their response raised no objection to the proposal. As the relevant section of the A5 is to be de-trunked with a proposed take-over date by Hertfordshire Highways of April 27th/28th, Hertfordshire County Council highways Department have also been consulted and have raised no objection.

Community Infrastructure Levy

In accordance with the Dacorum Borough Council's 'Community Infrastructure Levy Charging Schedule', the proposal is not identified as being of a development type which is CIL liable. As such, no charge rate applies to the proposal.

Summary and Conclusion

It is considered that the proposed development would result in the construction of a building which is not considered to be an appropriate form of development within the Green Belt. However, very special circumstances are considered to be in evidence which justify a departure from Green Belt policy in this instance as the proposal will result in a range of enhancements including the improvement of an existing rural business which will benefit the local economy.

The proposal will also result in a visual enhancement at the site in comparison with the existing structures and will not result in any detrimental impact upon highway safety or surrounding occupier amenity. As such, the proposal is considered to comply with the National Planning Policy Framework, Policies NP1, CS5, CS8, CS12, CS14 and CS29 Saved Policies 51, 58, 63, and Appendix 5 of the Dacorum Borough Local Plan and is recommended for conditional approval.

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

- 1 **The development hereby permitted shall be begun before the expiration of**

three years from the date of this permission.

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

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

**Application Form
Location Plan
311.002/200C
311.002/210F
311.002/230E**

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

- 3 **Prior to commencement of development, a Detailed Construction Method Statement (DCMS) shall be submitted to and approved by the Local Planning Authority. Following approval, the measures contained within the DCMS will be implemented in their entirety for the lifetime of the development.**

Reason: The details submitted with the proposal are insufficient to provide adequately to confirm that the proposal meets with the high quality built environment requirements of the National Planning Policy Framework and the sustainable construction requirements of Policy CS29 of the Core Strategy. As the required details are fundamental to the success of the proposal, in this instance it is considered necessary for the condition to be pre-commencement.

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 5d

Item 5d

4/00157/17/FUL – DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF FOUR 4-BED DWELLINGS

TRING HEALTH CENTRE, STATION ROAD, TRING, HP235NF

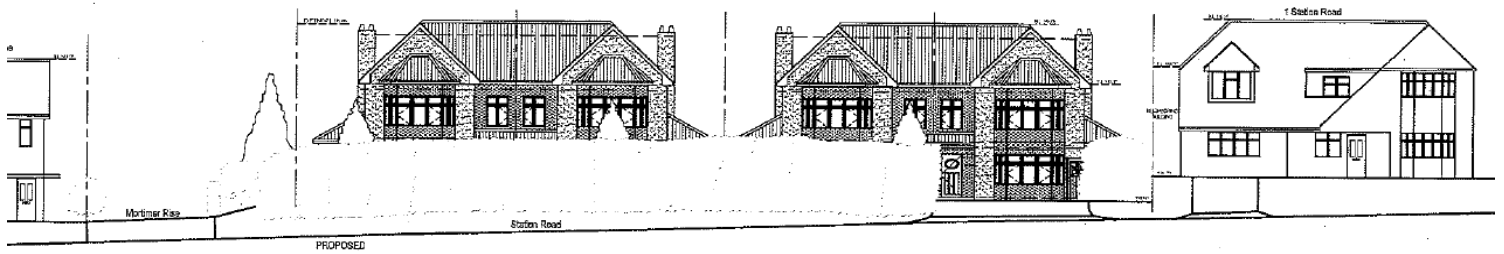


EXISTING
LOCATION PLAN (scale 1:1250)

Item 5d

4/00157/17/FUL – DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF FOUR 4-BED DWELLINGS

TRING HEALTH CENTRE, STATION ROAD, TRING, HP235NF



**4/00157/17/FUL - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF FOUR 4-BED DWELLINGS.
TRING HEALTH CENTRE, STATION ROAD, TRING, HP235NF.
APPLICANT: GATEHILL PROPERTY CO. LTD.**

[Case Officer - Matt Heron]

Summary

It has been clearly evidenced that the existing lawful use, which is not identified as an 'asset of community value', is no longer viable. As such, it is considered that the loss of the existing Health Centre would not result in harm to the health of the local community and this loss has been justified in line with relevant identified local and national policy.

The proposal would also make a valuable contribution to the Borough's existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location and seeks to optimise the use of previously developed urban land, there is no compelling objection to the principle of the proposed development in residential land use terms.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

Site Description

The site is located in a residential area within a residential area of Tring, on the northern side of Station Road- from which access is taken. The site is bound to north and east by residential gardens and to the west lie more residential units and associated garage blocks. Beyond Station Road, to the south of the site, is open space which is within the Metropolitan Green Belt.

The application site itself is approximately 0.165 hectares in area and is comprises of a vacant series of buildings which form part of the now disused Tring Health Centre. This series of buildings include; a single storey L-shaped building to the north of the site, a two storey block and attached double garage to the south west and a single storey covered area to the centre of the site.

Proposal

This application seeks full planning permission for the demolition of the existing buildings at the site and the construction of two pairs of four bedroom semi-detached dwellings.

Referral to Committee

The application is referred to the Development Control Committee as Tring Town Council has objected to this proposal. Their objection is as follows:

"The Council recommended refusal of this application because of the scale of the development

was too large for the plot and as such out-of-keeping with the surroundings. The Council welcomed the car parking provision and would not want this compromised. The Council would also ask that the Tree Officer be involved to consider possible conditions to preserve the hedging and trees on site.”

Relevant History

None relevant.

Policies

National Policy Guidance

National Planning Policy Framework (the Framework)

Adopted Core Strategy

NP1 – Supporting Development
CS1 – Distribution of Development
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS9 – Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of the Public Realm
CS17 – New Housing
CS19 – Affordable Housing
CS23 – Social Infrastructure
CS26 – Green Infrastructure
CS31 – Water Management
CS32 – Contaminated Land
CS35 – Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 51 – Development and Transport Impacts
Policy 57 – Provision and Management of Parking
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 129 – Storage and Recycling of Waste on Development Sites
Appendix 5 – Parking Provision

Summary of Representations

Comments received from consultees:

Herefordshire County Council Transport, Programmes and Strategy

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.

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.

4. 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.

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. 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.

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

COMMENTS

The above application is for Demolition Of Existing Building And Construction Of Four 4-Bed Dwellings

PARKING

The proposal is that each new dwelling will have three parking spaces, one in an integral garage.

ACCESS

The site is located on Station Road, Tring, which is a "C" classified local access road, subject to a 30mph speed limit, therefore vehicles are required to enter and leave the site in forward gear. There is an existing VXO on Station Road, which appears to function without any issues, and no changes are proposed to this. There have been no accidents in the vicinity of the site in the last 5 years.

CONCLUSION

HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity, subject to the conditions and informative notes above.

Thames Water – No objection received.

Affinity Water – No objection received.

Dacorum Environmental Health – No objection subject to relevant conditions.

Dacorum Trees and Woodland Department – No objection subject to relevant conditions.

Hertfordshire Ecology – No objection.

Comments received from local residents:

One letter of objection has been received from an address in Station Road. Comments are summarised as:

- The proposed bulk and mass would be excessive.
- The proposed units would appear visually cramped upon their plots.
- Excessive hardstanding for parking.
- Harm to living conditions in terms of overbearing and loss of light.

Key Considerations:

The main planning issues are:

1. The principle of the development
2. The quality of the design and the impact on the character and appearance of the area
3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants
4. Highway Safety and Parking Provision
5. Other Material Planning Considerations

- i) Protected Species
- ii) Flooding and Drainage
- iii) Contaminated Land
- iv) Refuse and Recycling
- v) Planning Obligations & Legal Agreement

1. The principle of the development

The Loss of the Existing Health Centre

The proposed development would result in the loss of an existing lawful Health Centre. Policy CS23 of the Core Strategy relates to the provision and loss of social infrastructure. This policy states that:

“Existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable....”

Further, Section 8 of the National Planning Policy Framework (henceforth referred to as the Framework) states that planning decisions should guard against the unnecessary loss of valued facilities and services.

The premises have been formally declared surplus to requirements by Herts Valley Clinical Commissioning Group (CCG), are currently vacant and the site has now been sold.

The Hertfordshire Community NHS Trust (HCT) services that took place within the premises prior to its full closure were very limited and only operated one day a week. The HCT services that took place have now moved to appropriate alternative premises, including Gossoms End Community Hospital in Berkhamsted and Rothschild House Surgery in Tring.

In addition to the above, Hertfordshire Partnership University NHS Foundation Trust (HPFT) formally occupied a small part of the health centre on a sessional basis only and they have now located to alternative premises.

It is clear that the Health Centre was not fully used for a number of years prior to its closure, with much of the floorspace, including the two storey building, being completely vacant and boarded up for a considerable period of time. Services have moved to more appropriate locations and some elements of care are also now provided in the patients' homes.

Overall, it was simply not viable for the NHS to retain buildings that were mostly vacant and only some of the floor space was in use each week. Additionally, the evidence from the HCT, who used the premises on a Thursday only, also shows that very few Tring residents (approximately 100) were actually treated there every year, even when it was in use.

Taking all of the above into account, it is has been clearly evidenced that the existing lawful use, which is not identified as a 'valued community facility', is no longer viable. As such, it is considered that the loss of the existing Health Centre would not result in harm to the health of the local community and this loss has been justified in line with relevant identified local and national policy.

Furthermore, as the proposal would not result in the loss of existing employment, it is not considered that the site represents an 'employment generating use'. Employment policy (such as CS34) is therefore not engaged.

New Residential Units

The application site is located within Tring but is not an allocated housing site and so is considered to be a 'windfall site'. Though Core Strategy Policy CS1 states that Hemel Hempstead will be the focus for homes, Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

Furthermore, the Framework encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Local Plan Policy 10 also seeks to optimise the use of available land within urban areas.

The application site is situated within an urban area in the existing Market Town of Tring. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing land uses. There are also services and facilities available within close proximity of the site.

Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). Furthermore the proposal complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location and seeks to optimise the use of previously developed urban land, the proposal is in accordance with policies CS1, CS4, CS17, 10 and relevant national planning policy.

There is therefore no compelling objection to the principle of the proposed development in residential land use terms.

2. The quality of the design and the impact on the character and appearance of the area

Core Strategy Policies CS11, CS12 and CS13 state that development within settlements should respect the typical density in the area, integrate with the streetscape character and contribute to the quality of the public realm. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

The site is located in Character Area 'TCA16 Station Road', as identified in Supplementary Planning Guidance (May 2004) and is comprised of a series of vacant buildings which form the now disused Tring Health Centre. The site is located on the northern side of Station Road and is set at a higher level than this access road. Residential units within the immediate streetscene comprise detached and semi-detached units, built in a variety of architectural forms from a diverse palette of materials.

Given the nature of the proposal and the distance to the Conservation Area and the nearest listed buildings, which are both in excess of 65m away from the site to the south west, the

proposal would not materially impact upon the setting of designated heritage assets. Relevant matters relating to character and appearance are discussed in turn below.

Spacing and Prominence

The proposed two storey units would be set back from the access road by approximately 23m and there would be a gap of approximately 1m between them. However, there would be a gap between units, at first floor level, of approximately 5m. Further, units would be approximately 13m away from existing dwellings to the west and approximately 2m away from (4m at first floor level) the existing unit to the east.

Taking the above distances into account, and as there would be approximately 10m between proposed units and the rear boundary of the site, it is considered that sufficient space would be left about the proposed dwellings to ensure that they do not appear cramped or overdeveloped upon their plots. Additionally, spacing at first floor level would be in accordance with that prescribed in TCA16 (which states that this should be within the medium range of 2m – 5m).

Further, given the set-back nature of the units and as they would have a maximum height of approximately 8.5m (consistent with the scale of adjacent units), it is not considered that the proposal would result in a visually dominant or intrusive feature within the immediate streetscene. Notwithstanding this, it is considered reasonable to remove permitted development rights for extensions and alterations, outbuildings and roof alterations (including hip-to-gable extensions and dormer windows) to ensure that the bulk, mass and spacing about the proposed units remains acceptable.

Individual Design

Turning to the individual design of the proposed dwellings, it is not considered that two pairs of semi-detached properties would disrupt the spatial pattern of surrounding built form. Additionally, given the eclectic mix of architectural styles within the immediate area, it is not considered that the more traditional design approach taken would disrupt the rhythm of surrounding built form. Further, though acknowledged that the proposed units would have rather large crown roofs, this element of the design would not be perceived from the public domain - given the units would be set at higher level than the access road. Overall, subject to a condition requesting full specifications of the materials to be used in the actual construction of units, it is considered that the design of the dwellings would be acceptable.

Landscaping

The applicant has submitted a Tree Survey with this application which identifies that the proposal would not result in harm to vegetation of significant amenity value (including hedging to the front of the site) and recommends tree protection measures during construction. On discussion with Dacorum Trees and Woodland Officers, it is considered that the findings and recommendations of the Tree Survey are acceptable and, subject to a condition imposed ensuring that development is carried out in accordance with these recommendations and a Tree Protection Plan and associated Arboricultural Method Statement are submitted prior to works commencing, the proposal would be acceptable in this regard. The applicant has agreed to this approach.

It is also noted that specific concerns have been raised with regards to the amount of hardstanding to the front of proposed units. However, the existing site has considerable hardstanding throughout. Further, it is recommended that a condition is imposed requesting the submission of a landscaping plan comprising details of proposed vegetation, hardstanding and boundary treatment. This condition would allow the Local Planning Authority to appropriately manage the colour and texture of hardstanding to 'break-up' this area and soften it through use of vegetation. Subject to the imposition of this condition, it is considered that proposed hard and soft landscaping would be acceptable.

Conclusion on Design, Character and Appearance

It is reasonable to conclude that the existing built form at the site makes a negative contribution to the character of the area. Taking all of the above into account, it is considered that, subject to the imposition of identified conditions, the proposed development would integrate with the streetscape character and would be acceptable in terms of individual design (raising the architectural standard of built form at the application site itself). As such, the proposal would comply with identified local and national policy in this regard.

3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the Framework is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

Including the single storey rear element, the proposed unit closest to the eastern boundary of the site would extend approximately 5.4m beyond the rear elevation of No. 1 Station. This unit would be approximately 2m away from this neighbouring dwelling. However, the two storey element of this proposed unit would only extend beyond the rear of No. 1 Station Road by approximately 2.5m and would be approximately 4.4m away from this existing property. Further, the single storey side element of the above mentioned proposed unit would only extend approximately 2.9m beyond the rear of no. 1 Station Road.

There are no ground floor habitable side facing windows within the western elevation of No. 1 Station Road and a first floor habitable room window within this side elevation is only a small secondary light source. Taking this and the above into account, though the proposed units would be visible from ground and first floor windows within the western and northern elevations of No.1 Station Road and the rear external amenity space which benefits this existing property, it is not considered that the build, form and positioning of the proposed development would result in significant harm to the living conditions of the occupants of No. 1 Station Road to the extent that would warrant a refusal of permission, in terms of overbearing and loss of light.

Further, there would be no side facing first floor habitable room windows within the proposed units and first and second floor rear windows and side facing rooflights would not afford direct views of primary private neighbouring amenity space. As such, the proposal would preserve the privacy of No.1 Station Road.

In addition to the above, the proposed units would be approximately 13m away from neighbouring properties to the west and in excess of 30m away from existing dwellings to the

north. Taking this into account, and again as proposed first and second floor habitable room windows would only afford long distance or oblique views of the primary private amenity space which benefits the above mentioned existing properties to north and west, the proposal would preserve the living conditions of the occupants of these neighbouring properties, in terms of overbearing, overlooking and loss of light.

Taking all of the above into account, and given the proposed units would be of a high standard of design with sufficient external amenity space, it is considered that the proposed development afford adequate living conditions for future occupants and would not result in significant and demonstrable harm to the living conditions of the occupants of surrounding residential units, in terms of overbearing, overlooking and loss of light. A refusal on these grounds alone would therefore not be reasonable.

4. Highway Safety and Parking Provision

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the Framework and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12

Each proposed unit would benefit from two off road parking spaces to the front and an integral garage. It is considered that three off-road parking spaces per unit, which are all laid out within a useable formation, would be acceptable.

Turning to highway safety, on discussion with Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS), it is considered that the proposal would have no material impact on the surrounding highway network. As such, subject to the imposition of conditions requesting car parking spaces to be laid out appropriately and the surfacing of on-site vehicular areas to an adequate standard prior to first occupation, no objection is raised from HCCTPS and the proposal is considered acceptable in this regard.

Notwithstanding the above, it is noted that HCCTPS has requested additional conditions ensuring that all materials associated with construction are to be stored within the curtilage of the site and that best practice is taken to ensure that debris is not distributed upon the highway.

Given that it is an offence under highways legislation to obstruct the free flow of a highway and legal permission must be sought by the applicant to store any material on land outside of his/her ownership, the above mentioned additional conditions are not considered reasonable or necessary with regards to the tests for conditions within the Planning Practice Guidance. Informatives in this regard are considered more appropriate.

5. Other Material Planning Considerations

i) Protected Species

The presence of protected species is a material consideration, in accordance with the National

Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS26 states that proposals should contribute to the conservation of habitats and species.

The application site is not within a designated wildlife site. Further, an ecological survey has been submitted by the applicant which states that there is only limited potential for roosting bats at the site and, as such, recommends that no further surveys are required. On discussion with Hertfordshire Ecology, it is considered that the submitted reports and surveys are clear and well evidenced. As such, it is unlikely that the proposal would result in harm to biodiversity at the site and the development is therefore acceptable in this regard.

ii) Flooding and Drainage

Policy CS31 seeks to minimise the risk of flooding. As the application site is not within Flood Zones 2 or 3, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. As such, the development would be acceptable in this regard.

iii) Contaminated Land

Policy CS32 seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated

Dacorum Environmental Health Department has been consulted and consider that, as the site is located within the vicinity of potentially contaminative former land uses, a standard contamination condition should be imposed. This condition would require an initial investigation and risk assessment and is phased so if no risk is identified at the desk top study stage then there is no need to proceed further and the condition can be 'discharged'.

This condition is considered reasonable and would ensure that any contaminated land at the site is appropriately dealt with.

iv) Refuse and Recycling

Saved Policy 129 seeks to ensure that developments have adequate storage for refuse and recycling.

Each unit affords secure storage areas to the rear for bins. Further, occupiers of the proposed units could present bins appropriately to the highway boundary for collection. As such, the development could be incorporated into the existing refuse service and is acceptable in this regard.

v) Planning Obligations & Legal Agreement

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015.

The application site is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, Hertfordshire Community Infrastructure Levy

contributions will be sought towards the provision of infrastructure as outlined in the R123 List through the appropriate channels.

Affordable units

The Council's planning policies also indicate that a housing scheme of this scale at this site should include 35% affordable housing (as it is greater than 0.16ha in size), in accordance with Policy CS19 and the recently adopted Affordable Housing Supplementary Planning Document.

It is noted that the National Planning Practice Guidance (NPPG) states that contributions for affordable housing and tariff style planning obligations should not be sought from some small scale developments (defined as 10 or fewer dwellings of 1000 square metres or less floor space). This follows the Order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014.

The result of the above mentioned case is that the Secretary of State's policy on affordable housing can be implemented and applied, and decision makers can be expected to give effect to this policy in determining applications where the threshold level for affordable housing contributions is in issue between the parties.

As a result of this, the Council has published an Affordable Housing Clarification Note which was formerly reinstated by Cabinet on 26 July 2016. This states that the Council will not be seeking affordable housing for schemes of 10 units or below with a floor area of less than 1000 metres squared.

Taking all of the above into account, and given the proposed units would not have a combined floor area equal to or greater than 1000 square metres (approx. 860 metres squared), it is not considered that the applicant is strictly bound to providing affordable units for this development.

Conclusion

It has been clearly evidenced that the existing lawful use, which is not identified as an 'asset of community value', is no longer viable. As such, it is considered that the loss of the existing Health Centre would not result in harm to the health of the local community and this loss has been justified in line with relevant identified local and national policy.

The proposal would also make a valuable contribution to the Borough's existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location and seeks to optimise the use of previously developed urban land, there is therefore no compelling objection to the principle of the proposed development in residential land use terms.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

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

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

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

- 2 The development hereby permitted shall not be carried out other than in accordance with the following approved plans/documents: TD011/PL/201 & TDC011/PL/01 & TDC011/PL/02 & TDC011/PL/03 & TDC011/PL/04 & TD011/PL/101 & TD011/PL/301 & 17116cv-01 & recommendations of document entitled 'Report on the tree amenity value and condition at Tring Clinic, Station Road, Tring, HP23 5NF'.**

Reason: For the avoidance of doubt, in the interests of proper planning and in the interest of the health of vegetation at the site in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 3 Prior to the construction of the dwellings hereby approved, full specifications of the materials to be used for their external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out and retained in accordance with details approved in this regard.**

Reason: In the interests of the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 4 Prior to first occupation of the development hereby permitted full details on a suitably scaled plan of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include:-**

- a) means of enclosure;**
- b) existing and proposed finished levels and finished floor levels.**
- c) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;**
- d) Arboricultural Method Statement;**
- e) details for all external hard surface within the site, including roads, drainage detail and car parking areas.**

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies 99 and 100

of the Dacorum Local Plan 2004.

- 5 **Prior to any development, including demolition, at the site full details on a suitably scaled plan of tree protection measures for vegetation within the site must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved.**

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 6 **All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B and E shall take place.**

Reason: To enable the local planning authority to retain control over the development in the interests of the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

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

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme 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'*.

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

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

the approval in writing of the Local Planning Authority.

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

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

- 9 **The approved car parking spaces shall have measurements of 2.4m x 4.8m as a minimum. Such spaces shall be maintained as a permanently ancillary to the development hereby approved and shall be paved and used for no other purpose.**

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining highway, in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

- 10 **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: To ensure satisfactory sustainable drainage in accordance with Policies CS29 of the Dacorum Core Strategy 2013.

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVES

1. 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

Agenda Item 5e

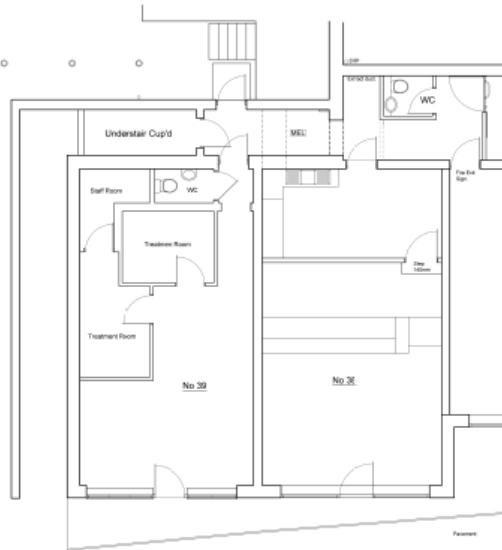
Item 5e

4/03281/16/FUL – CHANGE OF USE FROM BEAUTY SALON (SUI GENERIS) TO
A5
39 FROGMORE STREET, TRING, HP23 5AU

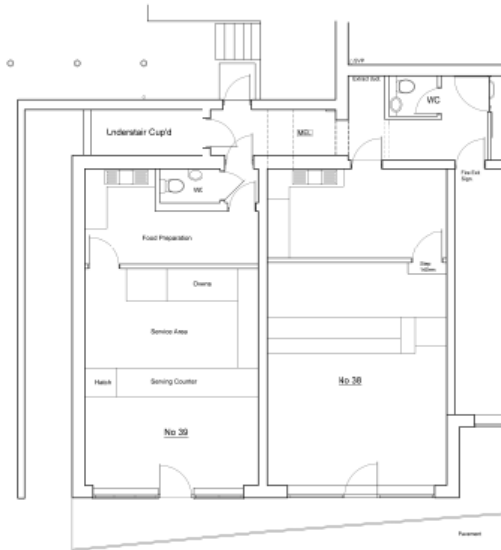


Item 5e

**4/03281/16/FUL – CHANGE OF USE FROM BEAUTY SALON (SUI GENERIS) TO
A5
39 FROGMORE STREET, TRING, HP23 5AU**



EXISTING FLOOR PLAN
Scale: 1:50



PROPOSED FLOOR PLAN
Scale: 1:50

**4/03281/16/FUL - CHANGE OF USE FROM BEAUTY SALON (SUI GENERIS) TO A5.
39 FROGMORE STREET, TRING, HP23 5AU.
APPLICANT: Ms Neighbour.**

[Case Officer - Intan Keen]

Summary

The application is recommended for approval.

The proposed use as a takeaway is acceptable in the site's location within the town centre of Tring. No external alterations to the building are proposed and there would not be an adverse impact on the Tring Conservation Area. Environmental Health has confirmed the proposed use could be carried out without the need for installation of a flue or other means of extraction or ventilation.

The site benefits from a town centre location, particularly Tring town centre is served by public car parks which are adjacent to the application site and any car parking generated by the proposed use would not result in significant increases in traffic movements to and from the premises that would lead to adverse highway safety conditions.

The proposal is therefore in accordance with the provisions of the NPPF, Policies CS4, CS8, CS11, CS12 and CS27 of the Core Strategy and saved Policies 58 and 120 of the Local Plan.

Site Description

The application site consists of the ground floor premises which forms part of a two-storey terrace row along the eastern side of Frogmore Street. It lies within the town centre of Tring and the Tring Conservation Area. Its last occupier was a beauty salon.

Surrounding land uses are mixed, with residential at first floor above the site, and a fish and chip takeaway immediately south. A private parking yard wraps around the application site along its northern and western (rear) boundaries. A public (pay and display) car park is located further north and east serving the town centre.

Opposite Frogmore Street to the west are residential properties and a solicitors office.

Proposal

Planning permission is sought for the change of use of the building (the existing premises occupies the ground floor only) from a beauty salon (Sui Generis) to a takeaway (Class A5).

Referral to Committee

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

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

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
CS16 - Shops and Commerce
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 58, 120
Appendix 5

Summary of Representations

36A Frogmore Street

I am writing to state my 'not in favour' position in regards to planning application 4/03281/16/FUL.

I am the owner of flat 36A Frogmore St which is located directly above the retail unit in question. I am currently not the occupier of the flat but my current tenants will also be in touch to voice their concerns. I was the occupant of the flat from March 2013 to June 2015 so have a thorough understanding of the implications of the proposed change of use.

My main concern is the issue of disturbance for the current tenants. I assume, as with most fast food outlets, that there will be late openings on Friday and Saturday nights to attract people leaving pubs (directly comparable Mighty Bite on Akeman street is open until 12am on weekend nights). Frogmore Street already suffers from weekend disturbance from inebriated people walking both ways from The Akeman and The Black Horse. I accept that this is difficult to control but to place a fast food outlet right in the middle of these 2 pubs will no doubt attract countless people directly to the location, most likely hanging around in the street whilst waiting for food, chatting to friends etc.

The fish and chip shop currently 2 units down does not pose the same problem as the restaurant closes at 10pm even on weekends.

Other concerns in regards to this application are those around proximity to other similar outlets, litter, smell and appearance. See points below:

- Oceans fish and chips is 2 units down and Might Bite is situated 140 yards down the road!
- Smell – there is already noticeable smell from the fans at the back of the fish and chip shop so this will only be worsened by another fast food restaurant and will most likely be noticeable in the flat
- Litter – No doubt there will be an increase in litter outside the front entrance to the flat due to people eating whilst standing outside chatting to friends etc
- Appearance – as with the majority of these kind of restaurants, I can only assume it will create an undesirable aesthetic to the street for all residents/visitors

Looking forward, the fast food restaurant would result in the flat being a less appealing rental prospect and I could potentially encounter issues when selling due to limitations on banks approving mortgages for flats above food premises.

Most importantly, all things being considered, there is a high risk of creating unpleasant living conditions for my current tenants, who are in contract until Dec 2017, and the other multiple tenants of the others flats and the houses directly opposite.

36B Frogmore Street

Objection

I would like to object to this application as a neighbour to the premises in question.

Frogmore Street itself is already a highly busy road with traffic throughout the day. Changing the use of 39 Frogmore Street would add to additional traffic congestion. Although the road itself has double yellow lines on it these are not observed at any point, especially within the evenings. There is a car park right next to the premises but at current this again is not used by people frequenting the existing takeaway facility on Frogmore Street. Adding an additional takeaway would further add to the traffic that is parked on the road/pavement at all times during the day and night.

Changing the use of this premises to be a takeaway facility will adversely add to the noise that is on Frogmore Street, and especially noise that can be heard within the flats above. There are pubs at either end of the street and noise is already heard from people returning from the pubs back home, especially on Friday and Saturday evenings. By adding takeaway premises on this route would add to people stopping at late hours of the day and adding to the noise pollution. Plus the noise of temporarily parked cars on the double yellow lines as mentioned above (some even with running engines and/or loud music as experienced currently) will increase with the addition of another takeaway. The current proposed hours of operation would add to the points regarding noise, especially in the evenings and weekends. The current takeaway premises next door to this application are not open on a Sunday however this application would be for opening hours on a Sunday including late into the evening, adding far more additional noise than currently experienced.

Access and waste disposal would be a further issue. As it stands the road can be congested with delivery vehicles for the existing retail units and especially the M&S supermarket. Adding a takeaway premises into this mix would add further delivery issues. Waste disposal is currently a major issue within the area. There is limited space to add an additional commercial refuse bin for another premises within the area, and the commercial bins that are already provided are used by business that should not use them, especially in relation to the bins provided for residential purposes.

Ventilation - Currently I cannot see any mention or diagram of any proposed extraction for the new use. This would add greatly to cooking smells within the area. As with other points above, there is already a great amount of cooking smell within the region from the current establishments. Adding another one to this would add more cooking smells, many of which can not only be smelt within Frogmore Street, but also within the adjacent car park, and often within the church grounds also. Extraction systems also add additional noise which can be heard and felt within the premises above, especially late into the evening.

Frogmore Street sits within the Tring Conservation Area. I fear that changing the use of the premises to be a takeaway business would severely lead to the detriment of the area and the way that it currently looks, as opposed to enhancing the area, which is the purpose of conservation areas themselves. There is already a high proliferation of takeaway establishments within Tring, and adding another one to this would not necessarily be needed or required and would not add to the overall style, look and feel of Tring.

I therefore believe that given the points above that this application should be refused in whole.

75 Vicarage Road

Objection

As the owner / landlord of the properties at B/C/D (flats 2/3/4) 36 Frogmore Street I would like to object to yet another fast food outlet opening in the premises below my properties. The lives of my tenants have been constantly blighted by the premises below which have included in the past a charcoal grill type restaurant and now a fish and chip shop. The addition of a further fast food establishment will only increase the noise disturbance, litter issues, traffic which is often inappropriately parked on the yellow lines outside and most importantly the smell involved. There is already an extractor unit at the rear of my premises which spews out noxious smells and grease. The occupant of flat 4 is unable to open the bedroom window as the extracted smoke and grease enters the property and has previously created a film of grease on the walls and ceilings. There appears to be no provision in the plans for further extraction from the proposed premises however this must be a consideration. The extraction unit for the previous charcoal grill caused serious offence to all of the tenants in the property.

Flat 1 36 Frogmore Street

Objection

I am not against local businesses and business people wishing to expand their operations however I honestly believe that Tring has sufficient food outlets and additional provision in Frogmore Street is complete over kill.

We are writing to you regarding planning application reference 4/03281/16/FUL to state that we are not in favour of the proposed change of use.

We are tenants living in Flat 1, 36 Frogmore Street, which is
In addition, we are concerned about the increased noise level this would cause.

Our bathroom is directly above the unit in question and to allow ventilation we always leave the bathroom window slightly open to stop the room becoming damp. It is a very large window and having to keep this open means that we would never be able to shut the noise out.

We are also very concerned about the smell and noise that would come from the fans and the cooking processes in the shop. There is already a noticeable smell from the fish and chip shop and this will be much worse with another fast food takeaway. The smell will rise directly through our open bathroom window and into the rest of the flat.

In addition, we are concerned about litter that is likely to be left outside the retail unit such as takeaway packaging and food and drink containers left on the floor. This is especially likely to happen in the late evenings when intoxicated people go to the takeaway after drinking at the local pubs.

Further, with the position of the takeaway there will be no allocated parking spaces for customers. People already pull up and leave their cars on the double yellow lines along Frogmore Street and in the Marks and Spencer loading area to order and pick up food from the Fish and Chip shop. Another takeaway will double the number of cars parking illegally.

For the above reasons we are strongly against the change of use from a beauty salon to a fast food takeaway as it will create a very unpleasant living environment for us. We are in contract to stay in the flat until December 2017 and would be very unhappy living above a fast food takeaway.

2 Frogmore Street

Objection

1. Disturbance to residents

We already have to tolerate drunken behavior late into the night and early mornings without support from the police. Another fast food place would likely attract more drunken louts causing residents upset/distress and property damage.

2. Parking

In the afternoons/evenings particularly on Fridays, cars regularly park on the double yellow lines when going to the chip shop or off Licence. The council already fail to enforce the parking restrictions. Another takeaway in that parade of shops will cause more unauthorised parking and road chaos.

3. Rubbish

There is already a rat problem in that area, local cafes are not securing their rubbish adequately or clearing up the mess left from their customers. Another takeaway may cause more litter and food for the rodents.

4. Character of Tring

Tring had a lot of character, which is slowly being spoilt and taken over by food and drink outlets. Another takeaway is not needed.

Delwick Cottage, Rays Hill, Hawridge

Objection

Tring has numerous, cafes, takeaway food outlets, pubs and restaurant. Can another takeaway in the town is justified at the expense of a shop? In Frogmore Street alone there are three cafes, a restaurant and public house. It also has a takeaway fish and chip shop, the customers of which cause traffic congestion on the street rather than parking in the car park.

I am concerned that opening another takeaway will only increase:

the number of delivery vehicles; noise from late night openings; litter from discarded takeaway packaging; further road congestion along with the smells from any kitchen extract system. These will all have an adverse effect on the neighbourhood and lead to less pleasant experience for people living close by.

Tring Town Council

The council recommended refusal of this application on the following grounds: The area is already very busy because of existing takeaways; illegal parking and parking damaging to the pavement with a lack of enforcement; no details on venting and odour prevention

Conservation and Design

39 Frogmore Street is a shop on the ground floor of a large late 20th century development fronting Frogmore Street, it has a shopfront with fascia sign above. The change of use will not entail any significant alteration to the shopfront (except for a signage change) so in principle the change of use may be acceptable.

However, as part of a change to A5 (hot food takeaway) use will there be need for additional flues / extraction systems associated with this use? If this were to be the case there may be an impact upon the character / appearance of the Conservation Area which could be an issue –

there are views of the rear of this property from the adjacent public car park.

Environmental Health

I have had a look at the plans but I could not see any details relating to the proposed ventilation for the cooking and preparation areas. Would you ask the applicant to provide details please? It would be most useful if the information provided includes the expected sound level output of any mechanical ventilation as well as air change rates.

I have no objections to the proposal in principal but wish to avoid any chance of future nuisance, or even problems with our food team which could arise if the ventilation proves inadequate.

Environmental Health further comments

This is just a confirmation of our previous conversations regarding Environmental Health not necessarily requiring a full extraction system, if the premises is not going to be used to actually cook the food? We would however want the premises fit for purpose, so the requirement for mechanical ventilation could resurface if food safety was being compromised by high temperatures or they did start to cook the food onsite?

Following this mornings telephone conversation I spoke to Emma and she asked the two obvious questions:

- (1) Where is the food going to be cooked?
- (2) If this is just a point of sale why have they applied for a change of use?

I recommend you should ask the applicant to the answer those questions and then suggest that they contact Emma direct to obtain specialist advice relating to food safety and food legislation.

Considerations

Policy and Principle

The application site lies within Tring town centre where a mix of uses is sought under Policy CS4 of the Core Strategy; this includes shopping uses (including financial and professional services and catering establishments).

It follows the proposed change of use is acceptable in principle.

Need for flue or means of external ventilation or extraction

Comments from Environmental Health have been received. It is noted that no objection would be raised in this instance provided that the applicant would not require the installation of extraction or ventilation systems depending on the products that would be prepared or sold on the premises.

Based on the size of the unit and its construction, Environmental Health has not considered it necessary to request details of an external flue at this stage and that the site could be occupied as a takeaway without this.

Impact on parking and highway safety

It is acknowledged that the proposed development does not contain any on-site facilities for parking, loading or unloading.

Parking demand for the proposed use would need to be accommodated for by the existing public car parks on Frogmore Street (or elsewhere in the town centre noting there are some further located from the site off Tring High Street). This would not be unreasonable, noting the site benefits from a town centre location and proximity to a large car park which provides access to shops and businesses off Frogmore Street and the adjacent Dolphin Square. It is important to note that saved Policy 58 of the Local Plan states that operational and customer car parking provision on site will be kept to a minimum.

The staffing numbers on the premises would increase slightly from existing conditions by up to two staff members. Policy 58 goes on to state that employee parking needs should as far as possible not be met on site, and instead should be dealt with through a Green Travel Plan by alternative provision for non motorised or passenger transport, or off site public parking.

The specific maximum standards for a hot food takeaway are set out in saved Appendix 5 of the Local Plan; requiring one space per 3m² of floor space of public area plus three spaces per four employees. The internal public area measures approximately 11.5m² based on the submitted plans. Together with four employees, the maximum parking standard would be seven spaces.

The site is located within Accessibility Zone 3 (with the remainder of the town centre) where 50% to 75% of the maximum parking standard would be sought.

No car parking spaces are accommodated for on site which is common in a Town Centre location.

Whilst the proposal would technically require at least four spaces to meet the policy guidance, the parking arrangements are considered acceptable, noting its specific location proximate to the main town centre car park off Frogmore Street, and also it is anticipated that busiest times would be during the evening and would not coincide with peak times for use of the car park off Frogmore Street.

The proposed use would occupy a relatively small unit and the wider impacts on the surrounding road network would not be adverse particularly noting the availability of the adjacent car park on Frogmore Street.

Consequently the application would not compromise highway safety in accordance with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Impact on neighbouring properties

Environmental Health has not raised objection with respect to additional fumes as a result from the proposed use and on this basis it is not considered any food preparation which is carried out on the site would give rise to any concerns regarding pollution whether from noise or odour from the proposed use.

Opening hours are considered acceptable noting the site's town centre location and no objections have been received from Environmental Health with respect to this matter.

There are no building works proposed and as a result the development would not have an adverse impact on nearby residential properties with respect to visual intrusion, loss of light or overlooking.

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

Impact on character and appearance of street scene and Conservation Area

No external changes to the building are proposed and as such the proposal would not adversely affect the character and appearance of the street scene of the Tring Conservation Area in accordance with Policies CS11, CS12 and CS27 of the Core Strategy.

Community Infrastructure Levy (CIL)

The proposal for a change of use involving no additional floor area would not be CIL liable.

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

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 use hereby permitted and the premises shall not be open to customers other than between the hours of 12:00 and 23:00 hours on Mondays to Saturdays; and 17:00 to 22:00 hours on Sundays , Bank Holidays and Public Holidays.**

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

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

**1528 001
MD 0612 01**

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) Order 2015.

Agenda Item 5f

Item 5f

4/02580/16/FUL – CONSTRUCTION OF DETACHED TWO BEDROOM, TWO STOREY DWELLING WITH ASSOCIATED PARKING.

1 THE CART TRACK, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XA

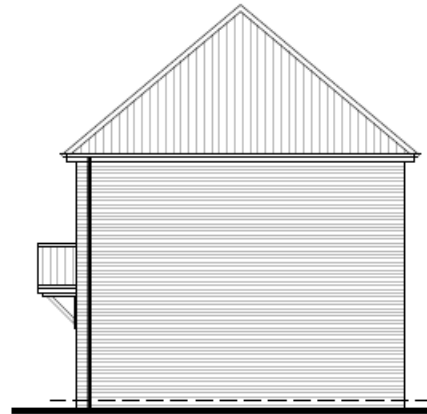


Item 5f

4/02580/16/FUL – CONSTRUCTION OF DETACHED TWO BEDROOM, TWO STOREY DWELLING WITH ASSOCIATED PARKING.
1 THE CART TRACK, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XA



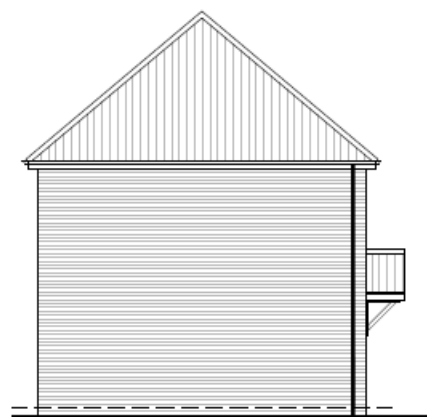
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

4/02580/16/FUL - CONSTRUCTION OF DETACHED TWO BEDROOM, TWO STOREY DWELLING WITH ASSOCIATED PARKING..
1 THE CART TRACK, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XA.
APPLICANT: Mr Hall.

[Case Officer - Matt Heron]

Summary

The proposal would make a valuable contribution to the Borough's existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location and seeks to optimise the use of urban land, there is therefore no compelling objection to the principle of the proposed development in residential land use terms.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

Notwithstanding the above, Hertfordshire County Council Transport, Programmes and Strategy are yet to provide comment on amended plans. Comments in this regard will be presented to the Development Management Committee in due course.

Site Description

The application site is located in the built up area of Hemel Hempstead, towards the south of this town. The site is located in an area predominately comprised of residential units and access is taken from Belswains Lane to the south. Belswains Lane itself is comprised of a mix of detached, semi-detached and terraced units constructed in a variety of architectural styles using a diverse pallet of materials.

The Cart Track itself links Belswains Lane to Pinecroft Road to the north east of the application site and a designated Public Right of Way runs along the centre of this byway. There are two detached units along The Cart Track, one of which separates the application site from a commercial business which is accessed from Pinecroft Road.

Proposal

This application seeks full planning permission for the construction of a two storey, two bedroom, detached dwellinghouse.

Referral to Committee

The application is referred to the Development Control Committee as Nash Mills Parish Council has objected to the proposal. The Parish Councils objection is as follows:

"The Council met on 10th October and reviewed this application. JDM Architects have made comments re the layout stating that "The proposal does not impact adversely on the outlook amenity or privacy of any of the surrounding properties". The NMPC Planning committee do

not agree with this statement and find the current application unacceptable. The South West side wall elevation of the proposal, which is virtually on the boundary, comprises a two story high brick wall the full width of the garden to 175 Belswains lane which is damaging to the outlook/amenity for the residents of 175 Belswains Lane. The proposed South West elevation, again virtually on the boundary, is two storeys high with multiple windows directly overlooking the garden of 177 Belswains lane damaging the amenity for residents of 177 Belswains Lane. This is contrary to the Architects statement that the proposal has no overlooking issues.”

Further, Councillor Jan Maddern has also ‘called-in’ this application raising concerns in terms of highway safety and harm to the character of the area.

Relevant History

None relevant.

Policies

National Policy Guidance

National Planning Policy Framework (the Framework)

Adopted Core Strategy

NP1 – Supporting Development
CS1 – Distribution of Development
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS9 – Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of the Public Realm
CS17 – New Housing
CS23 – Social Infrastructure
CS25 – Landscape Character
CS26 – Green Infrastructure
CS31 – Water Management
CS32 – Contaminated Land

Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 51 – Development and Transport Impacts
Policy 57 – Provision and Management of Parking
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 129 – Storage and Recycling of Waste on Development Sites
Appendix 5 – Parking Provision

Summary of Representations

Comments received from consultees:

Hertfordshire Country Council Transport, Programmes and Strategy – To follow.

Dacorum Environmental Health – No objection, subject to relevant condition.

Dacorum Trees and Woodland Department – No objection.

Affinity Water – No objection.

Thames Water – No objection.

Comments received from local residents:

One letter, not specifically in objection to the proposal, has been received from an address in Belswains Lane. A number of concerns have been raised which are summarised as:

- Harm in terms of highway safety.
- Detrimental impact in terms of flooding and drainage.

Key Considerations:

The main planning issues are:

1. The principle of the development
2. The quality of the design and the impact on the character and appearance of the area
3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants
4. Highway Safety and Parking Provision
5. Other Material Planning Considerations
 - i) Contaminated Land
 - ii) Refuse and Recycling Storage
 - iii) Flooding and Drainage

1. The principle of the development

The application site is located within Hemel Hempstead but is not an allocated housing site and so is considered to be a 'windfall site'. Core Strategy Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

Furthermore, the National Planning Policy Framework (henceforth referred to as the Framework) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed. Though the application site is not considered to be previously developed (with regards to Annex 2 of the Framework) Local Plan Policy 10 seeks to optimise the use of available land within urban areas.

The application site is situated within an urban residential area in the existing town of Hemel Hempstead. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site.

Taking all of the above into account, the proposal would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location, the proposal is in accordance with policies NP1, CS1, CS4, CS17, 10 and the 'golden thread' of the Framework. There is therefore no compelling objection to the principle of the proposed development.

2. The quality of the design and the impact on the character and appearance of the area

Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

The application site is located on the north eastern side of The Cart Track – a byway linking Belswains Lane to Pinecroft Road. With the exception of two detached units positioned along The Cart Track itself, residential properties within the immediate area are positioned in traditional, formal, layouts with long linear back gardens.

Given a designated Public Right of Way runs along The Cart Track, the proposed unit would be in a visually prominent location. Though visible from the public domain, the proposed unit would be set back from The Cart Track and the scale of the building would be commensurate with that of surrounding dwellings. As such, it is not considered that the proposed unit would result in a visually prominent or dominant feature within the immediate streetscene.

Though it is acknowledged that the proposed layout is not consistent with the more formal layout of properties within the surrounding area, there would be approximately 4.5m between the proposed unit and the adjacent No. 1 The Cart Track. Further, though the unit would be within close proximity of site boundaries, the rear gardens of neighbouring dwellings which adjoin the application site would aid in retaining the spacious feel of the area. Overall, it is considered that sufficient space would be left about the proposed unit and, though the dwelling would have a somewhat unusual layout, this would not result in built form that is perceived, at street level, as being cramped or overdeveloped.

Turning to the individual design of the proposed dwellings, it is not considered that a detached property would disrupt the spatial pattern of surrounding built form. Additionally, given the

eclectic mix of architectural styles within the immediate area, it is not considered that the design approach taken would disrupt the rhythm of surrounding built form. Overall, subject to a condition requesting full specifications of the materials to be used in the actual construction of the unit, it is considered that the design of the dwelling would be acceptable.

In addition, on discussion with Dacorum Tree and Woodland Officers, it is not considered that the proposal would result in harm to vegetation that is of significant amenity value to protect. Further, it is recommended that a condition is imposed requesting the submission of a landscaping plan comprising details of proposed vegetation, hardstanding and boundary treatment. Subject to the imposition of this condition, it is considered that proposed hard and soft landscaping would be acceptable.

Taking all of the above into account, it is considered that, subject to the imposition of identified conditions, the proposed development would integrate with the streetscape character and would be acceptable in terms of individual design. Further, though the layout does not repeat that of existing surrounding units, it is not considered that the proposed layout would result in a property that appeared cramped upon its plot. As such, the proposal would comply with identified local and national policy in this regard.

3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

The proposed unit would be approximately 4.5m away from No. 1 The Cart Track, would not project significantly beyond the principal elevation of this unit and would not extend at all beyond the rear elevation of this neighbouring dwelling. Taking this into account, it is not considered that the build, form and positioning of the proposal would result in significant harm to the living conditions of the occupants of this neighbouring unit, in terms of overbearing and loss of light. Furthermore, there are no proposed windows within the north eastern elevation and proposed first floor rear windows would not afford direct views of private primary neighbouring amenity spaces. As such, the privacy of the occupants of No.1 The Cart Track would be preserved.

Additionally, the proposed development would be approximately 23m away from existing units to the south west. As such, and as there are no windows within the south western elevation of the proposed unit, it is not considered that the proposal would result in harm to the living conditions of the occupants of units to the south east (fronting Belswains Lane), in terms of overbearing, overlooking and loss of light.

Turning to the living conditions the proposed unit would afford future occupants, it is acknowledged that the adjacent unit No. 1 The Cart Track would extend, at two storey level, approximately 5.4m beyond the rear elevation of the proposed unit. However, this neighbouring property would be approximately 4.5m away from the proposed dwelling. As such, given the orientation of the proposed unit in relation to No. 1 The Cart Track and as future occupants may choose whether or not to purchase the unit, it is not considered that adjacent built form would significantly harm the living conditions of future occupants, in terms of overbearing and loss of

light, to the extent that would warrant a refusal of permission. Furthermore, it would appear that there is only one non-habitable first floor window in the south western elevation of No.1 The Cart Track. As such, the privacy of future occupants of the dwelling would be acceptable.

In addition to the above, it is acknowledged that proposed rear windows within the south eastern elevation would be within close proximity (1.2m) of the adjacent site boundary which is likely to comprise boundary treatments such as close boarded fencing. However, rooms with windows facing the south eastern site boundary are served by additional light sources to front. As such, though the outlook from ground floor windows to the rear of the unit would not be ideal, it is not considered that the proposed unit would afford such poor living conditions for rooms impacted by the proximity of boundary treatments that would be to the extent that would warrant a refusal of permission.

Overall, it is considered that the proposal would not significantly harm the living conditions of surrounding neighbouring units, in terms of overbearing, overlooking and loss of light. Furthermore, though the proposed layout is not ideal, the unit would afford adequate living conditions for future occupants and a refusal on these grounds alone would not be reasonable. The development therefore complies with identified local and national policy in this regard.

4. Highway Safety and Parking Provision

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the Framework and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12

The proposed unit would benefit from two off-road parking spaces which would be laid out in a useable formation. As such, parking provision for the proposed dwelling would be acceptable. Further, the existing unit, No. 1 The Cart Track, would still benefit from several off-road parking spaces to front. As such, the development would not result in the loss of existing parking provision to the extent that would warrant a refusal of permission.

Turning to highway safety, initial concerns were raised by Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS). However, these concerns were centred upon legal matters rather than planning matters as proposed parking was originally to be positioned upon the adjacent public right of way. Amended plans have been submitted altering the proposed parking layout so that it is clear of this right of way. This appears to have alleviated concerns in this regard.

HCCTPS have been formally re-consulted on amended plans but, as of yet, no comment has been received. Their comments will be presented to the Committee when received.

5. Other Material Planning Considerations

i) Contaminated Land

Policy CS32 seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated.

Dacorum Environmental Health Department have been consulted and consider that, as the site is located within the vicinity of potentially contaminative former land uses, a standard contamination condition should be imposed. This condition would require an initial investigation and risk assessment and is phased so if no risk is identified at the desk top study stage then there is no need to proceed further and the condition can be 'discharged'.

This condition is considered reasonable and would ensure that any contaminated land at the site is appropriately dealt with.

ii) Refuse and Recycling Storage

Saved Policy 129 seeks to ensure that developments have adequate storage for refuse and recycling. The proposed dwelling would provide secure space to the rear to store wheelie bins, which themselves could be presented to the highway boundary for collection when required. As such, it is considered that the development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

iii) Flooding and Drainage

Policy CS31 seeks to minimise the risk of flooding. As the application site is not within Flood Zones 2 or 3, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. As such, the development would be acceptable in this regard.

Further, it is noted that specific concerns have been raised with regards to the impact of the proposal on the existing sewer system. Both Thames Water and Affinity Water have been consulted and have raised no objection in this regard. Taking this into account, and as the proposal would be thoroughly assessed in terms of drainage under building control legislation were planning permission granted, it is considered that the proposal would be acceptable in this regard and a refusal on these grounds alone would not be reasonable.

Conclusion

The proposal would make a valuable contribution to the Borough's existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location, there is therefore no compelling objection to the principle of the proposed development in residential land use terms.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

Notwithstanding the above, Hertfordshire County Council Transport, Programmes and Strategy

are yet to provide comment on amended plans. Comments in this regard will be presented to the Development Management Committee in due course.

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

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

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

- 2 The development hereby permitted shall not be carried out other than in accordance with the following approved plans/documents: J1393/P03 Rev. A & J1393/P04 Rev. A & J1393/P02 Rev. A & J1393/P01.**

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

- 3 Prior to the construction of the dwelling hereby approved, full specifications of the materials to be used for the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out and retained in accordance with details approved in this regard.**

Reason: In the interests of the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 4 Prior to first occupation of the development hereby permitted full details on a suitably scaled plan of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include:-**

- a) means of enclosure;**
- b) existing and proposed finished levels and finished floor levels.**
- c) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;**
- d) details for all external hard surface within the site, including roads, drainage detail and car parking areas.**

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 5 All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants**

which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

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

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme 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'*.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation

objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

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

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

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

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

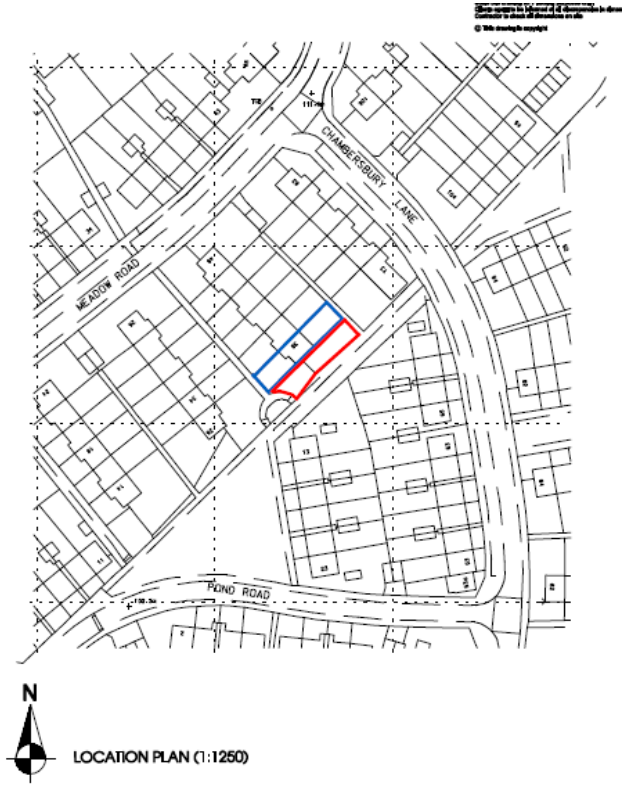
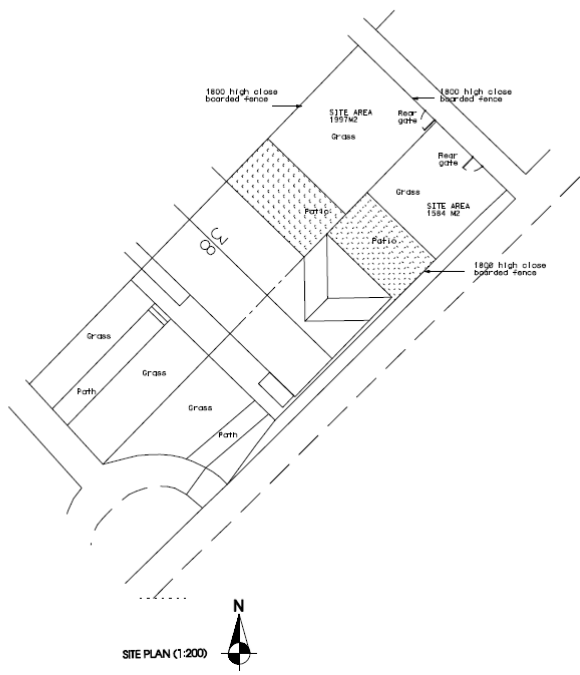
INFORMATIVES

1. 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

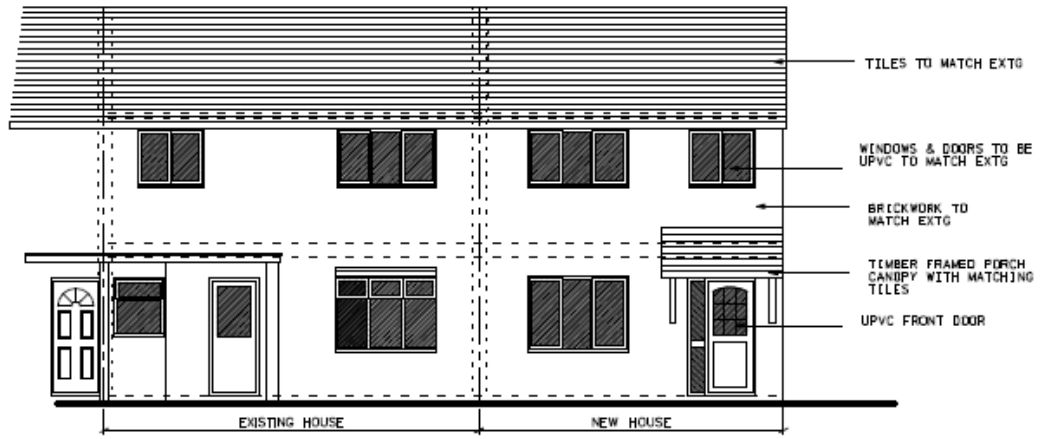
Item 5h

**4/00403/17/FUL – THREE BED DWELLING
38 MEADOW ROAD, HEMEL HEMPSTEAD, HP3 8AJ**

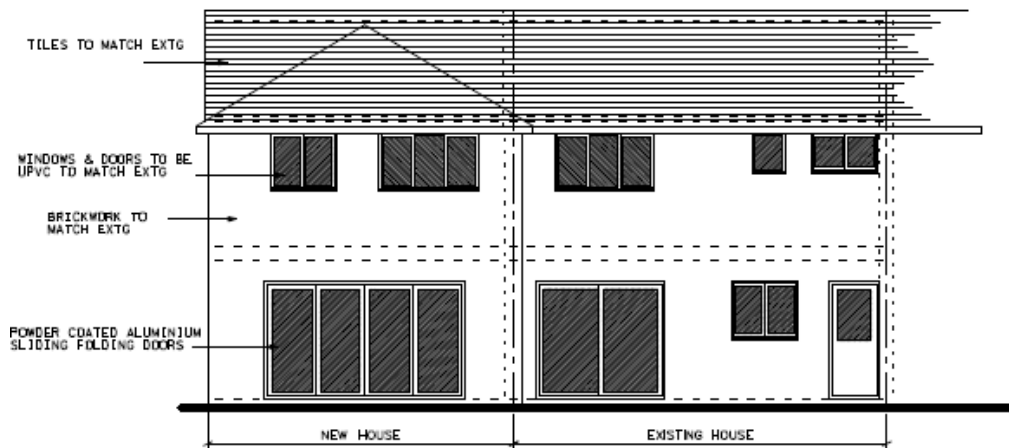


Item 5h

4/00403/17/FUL – THREE BED DWELLING
38 MEADOW ROAD, HEMEL HEMPSTEAD, HP3 8AJ



Front Elevation



Rear Elevation

**4/00403/17/FUL - THREE BED DWELLING.
38 MEADOW ROAD, HEMEL HEMPSTEAD, HP3 8AJ.
APPLICANT: Mr & Mrs Lines.**

[Case Officer - Rachel Marber]

Summary

The principle of residential development in this location is considered acceptable. The proposed new unit would internally convert the two storey side extension granted in 2016. As such the proposal would not result in detrimental impact to the visual amenity of the street scene, undue impact to the residential amenity of the neighbouring residents or highway safety and parking provision. The proposed development therefore complies with the National Planning Policy Framework (2012), Policies CS1, CS4, CS8, CS10, CS11, CS12, CS17 and CS29 of the Core Strategy (2013), Saved Policies 10, 18, 21, 57, 58, 99, 100 and Appendices 3 and 5 of the Local Plan (2004) and the Nash Mills Character Area Appraisal (2004).

Site Description

The application site comprises an end of terrace brick faced dwelling with a generous side garden, accessible via a footpath off Meadow Road. The site falls within a residential area of Hemel Hempstead within the Nash Mills Area Character Appraisal (HCA19). The surrounding area is characterised predominantly by new town style terraced and semi-detached dwellings of similar architectural style, size and linear layout with strong build lines featured throughout.

Proposal

This application seeks permission to convert the two storey side extension granted permission in 2016 (4/01426/16/FHA) into a separate dwelling.

No change to the dimensions of the side extension will result from this conversion; just the subdivision of plot and a proposed front porch.

Referral to Committee

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

Planning History

4/01426/16/FHA Two storey side extension
Granted
13/07/2016

4/02762/15/FHA TWO STOREY SIDE EXTENSION
Granted
16/09/2015

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS1- Distribution of Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land
Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Appendix 3 - Gardens and Amenity Space
Appendix 5 - Parking Provision

Supplementary Planning Guidance (2004)

HCA19 (Nash Mills)

Constraints

Residential area of Hemel Hempstead
Highbarns (inner and outer zones)

Summary of Representations

Comments received from consultees:

DBC Contaminated Land

The site is located within the vicinity of an old chalk pit. Records held by this department indicate no evidence of infilling and as such, the feature does not present a risk in terms of contamination. No further consideration is required in terms of contamination in respect of this application.

Strategic Housing

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

Building Control

No Comment

Herts Property

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 3 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).

Nash Mills Parish Council

Objection

Nash Mills Planning Committee are aware of the planning history of 38 Meadow Road last year as an 'extension' and this year as 'three bed dwelling'.

They 'object' on the grounds that there is no provision for parking.

HCC 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:

Condition 1. Prior to the commencement of the site works the applicant shall submit a construction management plan setting out details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles, storage of materials to be approved in writing by the Local Planning Authority in consultation with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.

Reason;- To minimise danger, obstruction and inconvenience to users of the highway.

Advisory Note.

AN1. 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 condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason: This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

Reason: In the interest of highway Safety

A3.The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Reason: In the interest of highway user's safety

Details:

Planning Application'

The planning application is for construction of a 3 bed end of terrace house on a land adjacent to and linked to 38 Meadow Road.

Site and surrounding

The site is enclosed by Meadow Road, Chambersbury Lane, and two footpath tracks one from Meadow Road forms a crescent adjacent to the application site and the other where two foot paths converging under Chambersbury Lane , passing the application site and narrowing to a single footpath up to Pond Road. The above footpaths are maintainable by the highway authority, but the records shows they are only for pedestrian use and not for motor vehicles.

The development's surrounding area comprised mainly terraced houses. Local Road Network

The site is enclosed by Meadow Road, Chambersbury Lane and Pond Road. They are all local access road with no on-street parking restrictions. There is no direct vehicular access facility to the application site.

Accessibility.

The site is within a residential neighbourhood.

Construction Management Plan.

The planning application is for a 3 bedroom end of terrace house. The development proposal is NOT to provide on-site parking provision. However, it is not clear how the construction vehicles will gain access to the site and the area for loading and storing of construction material. Construction Management Plan is the key consideration for the acceptability of the proposal.

Access and Parking

The applicant's proposal is not to provide on-site parking provision. On-site parking and local parking management is a matter for the planning authority

Conclusion

The Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory notes.

Comments received from local residents

10 neighbours directly notified and site notice displayed on 29/03/17; no representations received

Key Considerations

1. Principle of Development
2. The Quality of the Design and the Impact on the Character and Appearance of the Area
3. Impact on the Living Conditions of Future Occupants and Surrounding Residential Units
4. Impact on Parking and Access
5. Impact on Trees and Landscaping
6. Sustainability
7. Other Planning Material Considerations
 - i Sustainable Design
 - ii High Barns Chalk Mines

1. Principle of Development

Core Strategy (2013) Policy CS1 states that Hemel Hempstead will be the focus for homes and policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

Furthermore, within the Core Planning Principles outlined in the NPPF (2013) there is heavy emphasis on the planning system's responsibility to deliver more homes. Paragraph 47 of the NPPF (2013) stresses this further seeking to boost the supply of housing.

The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). As such, the development would be located in a sustainable location and seeks to optimise the use of previously developed urban land, the proposal is in accordance with policies CS1, CS4, and CS17 of the Core Strategy (2013), saved Policy 10 of the Local Plan (2004) and the NPPF (2012).

2. The Quality of the Design and the Impact on the Character and Appearance of the Area

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 developments of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

Core Strategy (2013), Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable 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, 18, 21 and Appendix 3.

The application site is located within a residential area, predominately comprising terraced units set in strong, linear build lines. The immediate street scene comprises four identical rows comprising six terraced units accessible via footpaths from Pond Road, Chambersbury Lane and Meadow Road. Each property shares relatively identical, form, height and architectural detailing. The Nash Mills Area Character Appraisal (HCA19) describes the area as comprising mainly terraced dwellings from the 1950s and 1960s, being a later new town neighbourhood to be developed. Houses are laid out in neat, ordered groups around an informal, curving road layout based on Chambersbury Lane. Dwellings either face onto the road or planned amenity greens. Within this character area the conversion of front garden areas to vehicle hardstandings is discouraged and in cases of new development, front garden areas common in size and layout to nearby and adjacent dwellings should be provided.

The proposed new unit would be located in what is currently the side garden of No. 38 Meadow Road with front orientation and access from the footpath off Meadow Road. The proposed unit comprises an internal conversion of the two storey side extension granted in 2016 which would retain the front build line of the terraced row and side build line, as maintaining the same distance from the side boundary as No. 73 Chambersbury Lane. Similarly, the plot division would retain the size of plots within the immediate street. The architectural detailing of the new unit and window fenestrations would remain congruous with the immediately adjacent properties. In short, the built form of the new unit has already been granted planning permission (4/01426/16/FHA) and would retain the spatial pattern and architectural built form of the immediate area.

The only new feature of the proposed conversion of the granted side extension into a separate unit would be the front porch. This would not appear incongruous in relation to the street scene in which many properties feature front porches and associated canopies, including neighbouring properties Nos. 38 and 40 Meadow Road.

The front garden of the new units would remain enclosed, without vehicle hardstanding, as is the case of immediate areas' 1950s and 1960s new town style development. As such, the proposal maintains the well landscaped character and appearance of the area.

In conclusion, it is considered that the architectural style and built form of a proposed dwelling rather than two storey side extension would not result in a detrimental impact upon the visual amenity or built form of the area. Therefore, the proposed adheres with Policies 10, 18, 21 and Appendix 3 of the Dacorum Local Plan (2004) and Policies CS10, CS11 and CS12 of The Core Strategy (2013), the National Planning Policy Framework (2012) and Nash Mills Character Area Appraisal (2004).

3. 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, proposals 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 proposed new dwelling would retain the external dimensions of the two storey side extension granted in 2016 which was considered to be acceptable in terms of residential amenity of neighbouring properties. Although, the breach in 45 degree line as drawn from No.38's first floor rear bedroom window as a result of the side extension was assessed when the property was remaining as a single unit it is not considered that this breach would result in a significant loss of daylight and sunlight to what would now be neighbouring occupiers. The reason for this is due to the 2 metre further projection of the side extension and pitch roof of the gable away from this neighbouring window. Moreover, no loss of privacy to neighbouring residents would result from the proposal as the only first floor flank elevation window proposed would serve the staircase.

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 existing unit's garden depth would remain at 11.8 metres. The proposed new unit would have a garden depth of 9.8 metre (approximately), which although below this threshold would be similar in size to adjacent properties. Additionally, the proposed new unit would also benefit from an enclosed front garden 6 metres deep.

Thus, the proposed development would not detrimentally impact the residential amenity of neighbouring properties, or future occupiers, thus is considered 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).

4. 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 Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

The application seeks to provide a three bed dwelling which would require the maximum provision of 2.25 off street parking spaces. The application does not feature any off street parking spaces. Nonetheless, there is ample on street parking provision available on the adjacent streets. Moreover the area is relatively sustainable with public transportation easily accessible, with available local bus network off Belswains Lane and a 5 minute drive to Apsley station.

Hertfordshire Highways were consulted and provided the following conclusive comments:

"The Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory notes."

Due to Highways raising no objection and available on street parking, 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).

5. 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 scheme has the potential to provide soft and hard landscaping on site. The boundary treatment would comprise a close boarded wooden fence with rear garden access gates. The front garden for both No.38 and the new unit would remain grassed and enclosed.

6. Sustainability

Policy NP1 of the Core Strategy (2013) states that Council will apply a presumption in favour of sustainable development when considering proposals. This is consistent with the 'golden thread' running through the NPPF (2012) as outlined in Paragraph 14. The Framework states that there are three aspects to sustainable development; social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependent (paras. 7-8).

Environmental

The application site is situated within a residential area in the existing town of Hemel Hempstead. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site. Taking this into account, the proposal would be environmentally sustainable.

Social

The proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, it is considered to be socially sustainable.

Economic

The proposal would also result in economic benefits during the construction of the units.

Conclusion

Overall, the proposal represents sustainable development, for which a presumption in favour applies in accordance with para.14 of the NPPF (2012).

7. Other Planning Material Considerations

i) *Sustainable Design*

Policy CS29 of the Core Strategy (2013) states that new development should comply with the highest standards of sustainable design and construction possible. A sustainability checklist has been submitted alongside application outlining sustainability measures for the proposed new unit; such as low flush WC's and low rate taps to improve water consumption levels. _

ii) *High Barns Chalk Mines*

Ground Conditions: High Barns Chalk Mines / National Planning Policy Framework Approach to Land Stability/ Recent Change to DBC's approach to the Consideration of Applications located in the Inner High Barns Area

The recently published Highbarns Treatment Report is an overarching report which covers the area directly affected by the former chalk mine. The report summarises the treatment work carried out by BAM Ritchies and provides evidence that the works have been effective in stabilising the ground which had been disturbed by the chalk mine.

Based upon the content of the Highbarns Stabilisation Treatment Report there were no remediation works at no. 38.

The Area Treatment Reports set out the detailed treatment works carried out at a particular set of properties and in a letter from DBC Assistant Director (Chief Executive's Unit) it is explained that this should read should be read in conjunction with the overarching report for High Barns. All the reports are published on the Council's website under www.dacorum.gov.uk/home/planning-development/planning-news/highbarns-chalk-mines

Until the publication of the NPPF the LPA was reliant upon the robust and now superseded PPG 14 (Development on Unstable Land).

With the recent publication of the Area Treatment Reports and the main report there is now a case to not withhold the grant of planning permission for extensions in the Highbarns Inner Area due to unknown land stability issues. Contaminated Land were consulted to support this and provided the following representation:

"The site is located within the vicinity of an old chalk pit. Records held by this department indicate no evidence of infilling and as such, the feature does not present a risk in terms of contamination. No further consideration is required in terms of contamination in respect of this application."

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 **Prior to first occupation of the development hereby approved, details of facilities for the storage of refuse shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To accord with Saved Policy 129 of the Dacorum Borough Local Plan (2004) and policy CS12 of the Core Strategy (2013).

- 3 **Within 6 months of the date of this decision a construction management plan setting out details of on-site parking for all contractors, sub-contractors, visitors, delivery vehicles and storage of materials shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The areas set out shall be maintained available for use at all times during the period of site works.**

Reason: To minimise danger, obstruction and inconvenience to users of the highway, in accordance with policies CS8 and CS12 of the Core Strategy (2013).

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

**PL/001 Rev A
PL/003 Rev A
PL/004 Rev A**

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

Article 35 Statement

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

Highway Informatives

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 condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Storage of Materials: The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website

<http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

Public Rights of Way: The developer should be aware that the required standards

regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Agenda Item 6

APPEALS UPDATE

A. LODGED

4/01857/16 Mr S Whiston
New Dwelling with vehicle access,
1 Barberry Rd, HP1 1SD

4/02875/16/FUL Mr Weir-Rhodes Watts
Two Storey Front and Side Extension
Conversion of property to form four self contained flats
2 Bracknell Place, Hemel Hempstead

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](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/02187/15/FUL CASH
CHANGE OF USE OF LAND TO A RESIDENTIAL CARAVAN SITE
FOR 8 GYPSY FAMILIES - EACH WITH TWO CARAVANS WITH
CONSTRUCTION OF A UTILITY BUILDING AND ASSOCIATED HARD
STANDING.
LAND WEST OF THE BOBSLEIGH HOTEL, HEMPSTEAD ROAD,
BOVINGDON, HEMEL HEMPSTEAD, HP3
[View online application](#)

Appeal Decision

Inquiry held on 24, 25, 26 and 27 January 2017

Site visit made on 27 January 2017

by Peter Rose BA MRTPI DMS MCM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 April 2017

Appeal Ref: APP/A1910/W/16/3149793

Land west of Bobsleigh Hotel, Hempstead Road, Bovington, Hertfordshire,
HP3 0DS

The appeal is made under section 78 of the Town and Country Planning Act 1990
against a refusal to grant planning permission.

The appeal is made by Mr Michael Cash against the decision of Dacorum Borough
Council.

The application Ref: 4/02187/15/FUL, dated 29 May 2015, was refused by notice dated
15 December 2015.

The development proposed is change of use of land to use as a residential caravan site
for 8 gypsy families, each with two caravans and a utility building, including the laying
of hardstanding.

Decision

1. The appeal is dismissed.

Procedural Matters

Adjournment

2. The appeal was adjourned on 27 January 2017 pending final written
submissions and was formally closed in writing on 9 February 2017.

Recent development at the appeal site

3. At the opening of the Inquiry, the appellant advised that caravans had in recent
days been placed on the site and were in occupation for domestic use. The
Council explained that a temporary stop notice had since been served in
relation to associated operational development. The authority also
subsequently advised the Inquiry that a High Court injunction had been issued
and served relating to preclusions upon further development.

The status of the application

4. Given recent development at the site, I sought the views of the four main
parties as to whether the appeal should now be considered as an application
pursuant to section 73A of the Town and Country Planning Act 1990 (the 1990
Act). The commonly shared view was that, whilst the principle of the use was
the same and involved some of the same occupants, the proposed
development was materially different in its layout and form. I concur with that
assessment and consider the appeal as proposed development in accordance

with the original application, but mindful of any relevance to recent events.

Drawings

5. In response to a concern by a local interested party revised drawing Ref: 'Site Layout Plan, Hempstead Road Bovingdon' (scale 1:500) dated 27 January 2017 was submitted to the Inquiry. This involves a minor correction to the boundary of the application site. The main parties considered this contains no material changes to the proposal, and I agree. The interested party also refers to a minor issue relating to adjoining land edged blue. This land is also within the control of the appellant but does not form part of the application site and I consider the issue has no material implications for the proposal.

Temporary and/or personal permission

6. The application which is the subject of the appeal is for full, non-personal planning permission but the appellant confirmed at the Inquiry that, should such a permission be found to be unacceptable, possibilities for a temporary and/or personal permission should also be considered.

Rule 6 Parties

7. The Inquiry was attended by two Rule 6 parties. One party was a joint representation of Bovingdon Parish Council and local residents, the second on behalf of MacDonald Hotels Ltd.

8. I consider the appeal on the above basis.

Main Issues

9. The main issues are:

(a) whether the proposal would constitute inappropriate development in the Green Belt with regard to the development plan and to the National Planning Policy Framework (the Framework);

(b) the possible effect of the proposed development upon other aspects of the Green Belt as set out in the Framework, and with particular regard to openness as an essential characteristic of the Green Belt, and upon the purposes of the Green Belt in relation to safeguarding the countryside from encroachment, and preventing towns from merging into one another;

(c) the possible effect of the proposed development upon the character and appearance of the appeal site and its surroundings;

(d) other material considerations which may need to be weighed as part of a planning balance, including the need for, and provision of, accommodation for gypsies and travellers within the area and, if required as a contribution to the balance, the accommodation needs and other personal circumstances of the occupiers and their families, and;

(e) if inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the scheme in the Green Belt.

10. Whilst not identified within the Council's reasons for refusal, the following issues have been raised by other parties and were subject to examination at the Inquiry:

(f) implications for access, and;

(g) the possible effect of the development upon the living conditions of neighbouring residents with particular regard to outlook and noise.

11. A number of further issues were also identified by local interested parties, and I address those under other matters.

Reasons

Whether inappropriate development

12. The appeal site comprises some 0.9 hectares of open land located on the south-eastern side of Hempstead Road (the B4505), close to the village of Bovingdon. The site comprises a grass field adjacent to a pair of large semi-detached houses to the south-west, and adjacent to the Bobsleigh Hotel to the north-east. A residential caravan park is located behind the hotel. Access is provided from Hempstead Road via a private driveway adjacent to

the north-east boundary of the site, and which also serves the adjacent hotel and caravan park.

13. The site is enclosed by a large and relatively dense hedge and associated planting along its main frontage to Hempstead Road, and by some hedgerows and trees to the north-east and south-west. The main frontage to Hempstead Road faces towards large residential properties on its opposite side, whilst to the south of the site lies extensive open land.

14. The site forms part of the Green Belt as defined by the Dacorum Local Plan 2004 (the Local Plan), and this designation is further addressed by the Council's Adopted Core Strategy 25 September 2013 (the Core Strategy).

15. Policy CS5 of the Core Strategy advises that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. It states that, within the Green Belt, small-scale development will be permitted, as defined in its criteria (a) to (e), which include buildings for the uses identified as appropriate in national policy, provided development has no significant impact on the character and appearance of the countryside and supports its maintenance.

16. The proposal would involve the introduction of eight residential pitches, each comprising two caravans and a utility building. The layout would provide for a dispersed arrangement of plots overlooking a central play area and served by access leading from the private driveway connecting to Hempstead Road. The scheme would include hardstanding comprising permeable stone with some tarmac, retention of hedgerows, and provision of grass areas, and further hedgerows and trees, and post and rail fencing.

17. The Framework seeks to safeguard the Green Belt from inappropriate development. It does not identify a material change of use as proposed to be an exception to inappropriate development.

18. Further, Policy E of the government's Planning Policy for Traveller Sites document (the PPTS), August 2015, states that traveller sites in the Green Belt, whether temporary or permanent, are inappropriate development. Paragraph 4 of the Framework advises that it should itself be read in conjunction with the PPTS.

19. The appellant acknowledges the scheme to be inappropriate development in accordance with the Council's assessment and, for the reasons indicated, I agree.

20. I therefore find that the proposed change of use of the site would be inappropriate development in the Green Belt contrary to Policy CS5 of the Core Strategy, contrary to the Framework, and contrary to the PPTS.

Openness of the Green Belt

21. The Framework defines one of the essential characteristics of the Green Belt to be its openness. There is no formal definition of openness in the Framework but, in the context of the Green Belt, it is generally held to refer to freedom from development, or the absence of development.

22. The eight utility buildings would be permanent structures, and would be part of a development also comprising two caravans within each of eight plots, an access road and other hard surfaces, parked vehicles and the accompanying paraphernalia and activity arising from domestic occupation. Taken together, this would amount to a substantial loss of openness, and the appellant concedes the scheme would reduce the openness of the Green Belt markedly.

23. I therefore find that the proposal would result in very significant harm by reducing the openness of the Green Belt. Accordingly, the development would be contrary to Policy CS5 of the Core Strategy and contrary to the Framework.

Encroachment

24. The Framework defines one of the purposes of the Green Belt as assisting in safeguarding the countryside from encroachment.

25. The scheme would involve replacement of a large area of open countryside by

residential development. The site forms an integral part of the surrounding countryside and the scale of such loss would represent a very harmful intrusion into the Green Belt contrary to the Framework.

Merging of towns

26. Policy CS5 of the Core Strategy advises that national Green Belt policy will be applied to protect the physical separation of settlements. Paragraph 80 of the Framework defines one of the five purposes of the Green Belt to be to prevent neighbouring towns merging into one another.

27. The Green Belt Review Purposes Assessment Final Report November 2013 prepared for the Council by Sinclair Knight Merz (the 2013 Review) identifies the site within an area making limited or no contribution to prevention of merging. Even so, the development would lead to enclosure and occupation of open land between Hemel Hempstead and Bovingdon and thereby increase coalescence between the two settlements. Although views of the site from the road are relatively limited, it still forms part of the surrounding swathe of open countryside, and the unoccupied gap it currently contributes would be lost to the development.

28. The Hertfordshire Landscape Strategy Landscape Character Assessment for Dacorum Supplementary Planning Guidance May 2004 (the SPG) identifies the appeal site as forming part of the Bovingdon and Chipperfield Plateau (the Plateau). The scheme would be contrary to the SPG which seeks to generally resist proposals to extend sub-urban influences within the Plateau from the existing villages or through infill of more dispersed areas.

29. Whilst there was no dispute at the Inquiry regarding Hemel Hempstead's status as a town, there is little basis to conclude that Bovingdon enjoys a similar status. I accept that Hemel Hempstead has physical characteristics of a town, not least in terms of its relative scale and function, but Bovingdon is defined in the Local Plan as a Large Village.

30. I have little reason to interpret the Framework other than on the face of the ordinary language used. Accordingly, the proposal would not lead to coalescence between towns as expressly stated in the Framework. Whilst, in physical terms, it would undoubtedly contribute to coalescence between a town and a village, I find such coalescence would not thereby be contrary to the specific wording of the Framework.

31. Nevertheless, it would be contrary to the terms of Policy CS5 insofar as the development plan seeks, more widely, to protect the physical separation of settlements, but that aim is also expressly set within the context of national Green Belt policy. Such coalescence would, however, be contrary to the general terms of the SPG.

32. Paragraph 215 of the Framework requires due weight to be given to relevant policies in existing plans according to their degree of consistency with the Framework. Whilst there is a tension between the specific language of Framework and the terms of Policy CS5, the development plan policy refers more widely to 'settlements' and which I consider, interpreted objectively in accordance with the language used, would include villages. Further, whilst specific details of its examination are not before me, I note that the Core Strategy's adoption as part of the statutory development plan post-dated introduction of the Framework.

33. I find therefore that the scheme would lead to greater coalescence between Hemel Hempstead and Bovingdon contrary to Policy CS5 of the development plan, and generally contrary to the SPG, but not contrary to the express wording of the Framework. In relation to the conflict with the terms of the development plan and SPG, I find the scheme would incur moderate harm, but as limited by the contrasting wording of the Framework.

Summary of Green Belt harm

34. The scheme would incur definitional harm through inappropriate development and would impose very significant harm through loss of openness and

encroachment. It would incur more limited, moderate harm through merging of settlements as assessed in relation to the terms of the development plan and of the SPG. Paragraph 88 of the Framework advises that substantial weight is to be given to any harm to the Green Belt. Accordingly, I attach substantial weight to the totality of harm to the Green Belt.

Character and appearance

35. Whilst undistinguished in itself, the appeal site forms an integral part of a predominantly open landscape south of limited sporadic, ribbon development along Hempstead Road. The site is essentially green and open in its lawful character and this is clearly demonstrated by the aerial view on page 15 of Bovingdon Parish Council's proof of evidence showing the setting and composition of the site prior to its recent unauthorised development.

36. Notwithstanding the very open, rural nature of the site itself, aspects of the immediate setting are more urban in character. In particular, the Bobsleigh Hotel and residential caravan site lie immediately to the east and, whilst Hempstead Road contains trees, hedges and verges, it is a wide, busy road with some development on both sides. The appellant suggests the context is particularly defined by a pocket of existing urbanising development centred upon the hotel site, and including the residential caravan site which he considers to have been successfully assimilated into the local landscape.

37. Policy H of the PPTS states that new gypsy and traveller development should be very strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. Nevertheless, the PPTS does not preclude development of gypsy and traveller accommodation in the countryside as a matter of principle, and the appeal site is adjacent to existing development. I note reference made to Appeal decisions Ref: APP/J0405/C/13/2193582 and /2193601 relating to Land at Willows Park, Horton Road, Slapton, Buckinghamshire and dated 6 September 2013. These relate to siting of caravans at a distance of some 800 metres from an existing hamlet, and I am satisfied, given the broader setting of the appeal site as described, that the scheme should not be regarded as located away from a settlement.

38. Policy C of the PPTS advises that, when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Given the circumstances described, I have little reason to find that the scale of development proposed would contravene this aspect of the PPTS.

39. Policy H further advises that weight should be attached to well-planned or soft-landscaped sites that positively enhance the environment and increase openness, but that they should not be enclosed by hard landscaping to such a degree that a site could be seen as deliberately isolated from the rest of the community. Aside from the loss of openness already discussed, the design and layout of the scheme do seek to mitigate its impact in these regards. Public views of the site would be relatively limited to glimpses from the road through the northern boundary and more directly along the driveway leading from Hempstead Road. Notwithstanding the design, however, the site would still be significantly visible from Hempstead Road.

40. The adjacent hotel is of a substantial built form. In contrast, the caravan site is effectively concealed from the road, and is a feature with relatively restricted exposure in some limited views from the rear. Many of the caravans are in a derelict condition and only a small number remain occupied. Nonetheless, the use is acknowledged by the Council to be lawful and given that caravans are not fixed structures, there remains a fallback position whereby the existing caravans might be replaced by a more visually intrusive arrangement introduced without the possible need for planning permission. That said, the theoretical possibility of their replacement appears to be very limited. In particular, the owners made very clear to the Inquiry that, other than the

re-location of two occupiers, the caravans at the rear have no future at the site, as evidenced by the recent planning application Ref: 4/01088/13/MFA.

41. In the context of the existing adjacent caravan site, the proposed change of use would represent a westwards expansion of similar development, but I do not find its impact would be offset by the adjacent use. Rather, the inherent opportunity cost to the local landscape in terms of further visual encroachment into the countryside would be high. The outcome would be the introduction of a visually intrusive and discordant use at the expense of otherwise attractive open countryside.

42. The SPG identifies key features of the Plateau as including, amongst other aspects, a gently undulating landscape and a scattered and sometimes extensive dispersed pattern of settlement. Whilst the appeal site displays some wider similarities with these features, I agree that other defined aspects, such as densely hedged narrow lanes, are not representative of the local setting. In terms of its broader character and appearance, however, I find the site to be consistent with the wider Plateau and which the SPG seeks to generally improve and conserve.

43. The Dacorum Borough Council Stage 2 Green Belt Review and Landscape Appraisal (the Stage 2 Review) was published in December 2016 as a follow-up to the 2013 Review. The earlier 2013 Review identified the site within an area (Parcel 14A) as making a significant contribution to safeguarding the countryside. Further, the Stage 2 Review now places the site within Sub-Area BV-A3 and which it identifies as making a strong contribution to the Framework's Green Belt purposes and recommends no further consideration of possible release from the Green Belt in terms of both landscape and Green Belt.

44. The Framework requires that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The appeal site itself enjoys no specific recognition in relation to any intrinsic landscape quality it may offer beyond the wider designations described but, for the reasons indicated, still makes an important contribution to the countryside character and appearance of the setting.

45. In summary, any form of development of the land would inevitably have some visual and character impact upon the site and adjacent countryside.

Notwithstanding limited public exposure and boundary treatment as proposed, and the relatively low-lying form of the caravans, a pre-existing and locally valued character and appearance of unoccupied countryside, as evidenced by the submissions of interested local parties, would be disrupted by a relatively cluttered and imposing appearance of mobile homes and day rooms and accompanying vehicles and other paraphernalia. The scale and disparate nature of the proposed use, in the particular physical context described, would lead to the harmful replacement of an attractive open rural form by an imposing and visually jarring urbanised character and appearance.

46. I therefore conclude the proposed scheme, including the introduction of sixteen caravans, eight utility buildings, and sundry attendant features, would incur very significant harm to the character and appearance of both the appeal site and its surroundings contrary to the SPG, and contrary to the Framework. I attach very significant weight accordingly.

Access

47. A plan attached to a land conveyance dated 2 July 1990 identifies a right of access into the appeal site along the adjacent private driveway to the east and between defined points A and B. The proposed point of access identified on the submitted layout drawing as part of the appeal proposal would appear to lie outside that particular length of the boundary.

48. That said, I saw at my visit that existing access along the track remains unrestricted well beyond the proposed point of entry/egress into the application site and up to the barrier serving the caravan park. I also heard no evidence of

any previous actions to preclude access.

49. I accept there may well be a legal issue regarding the need to formally clarify rights of access and any subsequent implications for the scheme access as proposed. It is not unusual for matters of access to be clarified following approval to the principle of a development but I find no material planning harm in relation to the proposed point of access itself. Even if the proposed access location were to prove unfeasible, it would still be open to the appellant to seek modification to any approved scheme as appropriate, but that is beyond the terms of the current appeal.

50. Nevertheless, rights to the access as proposed in the application remain an open question and, whilst I do not place significant weight in this regard as a factor against the scheme, I remain to be satisfied that the site may be considered available now for development as proposed in accordance with the terms of Footnote 11 to the Framework.

Living conditions of neighbouring residents

51. Highcroft Cottage and Highcroft Paddocks are adjacent dwellings with extensive gardens. I visited both properties at my accompanied inspection and observed the appeal site in views from both inside the dwellings and outside.

52. Occupation of the appeal site would introduce domestic activity to an otherwise unoccupied rural field, and there would be an undoubted change in adjacent views from these properties. Whilst the proposal would be clearly visible, I find the relative position and extent of the scheme would not be such as to create an over-bearing outlook from those properties and the caravans and other paraphernalia would be to some degree, but not totally, screened in limited private views from these dwellings.

53. Notwithstanding the more general and wider impact upon local character and appearance already described, I do not find such change in outlook would in itself be directly harmful in specific regard to the living conditions of neighbouring occupiers. Further, the Courts have generally held that safeguarding private views is not a matter to which weight is to be attached in planning decisions even though they may be of significance to occupiers.

54. Paragraph 17 of the Framework seeks to ensure a good standard of amenity for existing and proposed occupants of land and buildings. No commercial activity is proposed for the site and, in relation to noise, there is little before me to suggest the Framework's expectations would be offended by the proposal.

55. I therefore find that, whilst the presence of the development would be apparent to adjoining residents, it would not be specifically harmful to their living conditions, and the development would conform to the requirements of the Framework.

Intentional unauthorised development

56. The statement relating to Green Belt protection and intentional unauthorised development accompanying the letter of the Chief Planner of the Department for Communities and Local Government dated 31 August 2015 expresses the government's concern about the harm that is caused where development of land has been undertaken in advance of obtaining planning permission. It explains that, in such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. For these reasons, the Chief Planner's statement introduces a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals received from 31 August 2015. The statement further explains that the government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt.

57. The appeal site has been the subject of recent unauthorised development for purposes similar to that proposed by the application subject to appeal, and is occupied by some of the same proposed occupiers. The development took place only a few days prior to the Inquiry. Whilst acute circumstances around

housing need have been advanced in mitigation, little detailed evidence has been offered as to specific prior consideration given to possible transit sites serving Hertfordshire or elsewhere or to any such other specific temporary alternatives to possible site occupation immediately prior to the unauthorised development.

58. I also regard the principle of the Council's actions in serving a temporary stop notice and in seeking a High Court injunction precluding further breaches of planning control as evidence of the authority's very real concerns towards the possible implications of this unauthorised development. Reference to the unauthorised status was also made by an interested local party who addressed the Inquiry.

59. The harm to date has been relatively limited by virtue of its duration and, to that degree, I attach only moderate weight to this specific breach of national planning policy.

Need for sites

60. The periodical review of housing needs under section 8 of the Housing Act 1985 is a statutory requirement upon local housing authorities. This requires local housing authorities to assess and understand the accommodation needs of people residing in or resorting to their district, including the needs of people with respect to sites for caravans.

61. The Dacorum Borough Council and Three Rivers District Council Traveller Needs Assessment Report January 2013 prepared by Opinion Research Services (the GTAA) is the Council's latest assessment of gypsy and traveller needs. The GTAA identifies a need for 17 extra pitches between 2012 and 2031, of which 15 are required by 2022. Of these, 7 were identified for provision between 2012 and 2017 but were not delivered. A further 8 pitches are identified as being required between 2017 and 2022.

62. I also note a more recent letter from Hertfordshire Gypsy Section dated 26 January 2017 identifying 108 families on its waiting list and indicating very few pitches becoming available each year.

Supply of sites

63. Policy B of the PPTS requires local planning authorities, in preparing local plans, to set targets which address the likely permanent and transit site accommodation needs of gypsies and travellers in their area. Local planning authorities are encouraged to identify and update annually a supply of specific deliverable sites sufficient to provide five-years' worth of sites against their locally set targets, whilst protecting local amenity and the environment.

64. Policy CS22 of the Core Strategy states that new accommodation for gypsies and travellers will be met through a target for new pitches to be set according to the most recent Gypsy and Traveller Needs Assessment agreed by the Council. The target will be progressively met through the provision and management of new sites.

65. Policy CS22 states that new sites will be distributed in a dispersed pattern around settlements, will be located close to facilities, will not normally be planned to a site capacity exceeding fifteen pitches, and should be designed to a high standard, including landscaping or other physical features to provide an appropriate setting and relationship to existing residential areas.

66. The Inquiry was told that the Council's proposed Main Modifications to its Local Planning Framework Site Allocations DPD (the Modifications) were the subject of on-going public consultation, and the possibility of some further Examination in Public (EIP) of changes remains. The Modifications include deletion of a previously proposed site for gypsy and traveller accommodation at Icknield Way, west of Tring (proposal Ref: LA5) in response to the EIP Inspector's site-specific concerns. Proposals remain for development of five residential pitches at Marchmont Farm (proposal ref: LA1) and a further seven pitches at West Hemel Hempstead (proposal ref: LA3), both of which are available for development now but not yet for occupation. Delivery would be consistent with

the DPD's approach of seeking provision as part of wider housing sites. In each case delivery is proposed as part of an early, but as yet unspecified, phase of the scheme so as to ensure supply of gypsy and traveller provision within a five-year period.

67. Evidence submitted to the Site Allocations DPD EIP in the appellant's Appendix PBA3 sets out the assessment of proposed developers of LA3 in relation to both general delivery of gypsy and traveller pitches and their likely timescale. The evidence explains how the gypsy and traveller element needs to be properly planned and delivered in conjunction with the development of some 900 dwellings, and that for both financial and practical reasons, it is not realistic to bring forward the traveller element in advance of the rest of the development commencing. It does acknowledge that delivery of housing could reasonably commence on site in the fourth quarter of 2018, so allowing provision of the seven pitches before 2020. It further states that the developers are confident of the scheme's viability and have raised no objection to the Local Plan on that basis.

68. In cross-examination, the Council's planning witness conceded there was no guarantee that the gypsy and traveller element would comprise part of the first phase of LA3 which could involve some 300 dwellings and a delivery rate of some 85 dwellings per annum. Whilst this would mean the first phase may not be completed until 2022, the Council's intention was for the pitches to be delivered in the next five years.

69. The Council's witness further indicated that LA1 would involve some 700 dwellings. Details of programming are also not available but the gypsy and traveller element is again intended to be in the early stages and as part of a similar housing delivery rate to LA3.

70. It was common ground between the Council and appellant at the Inquiry that Dacorum is largely rural in character, and that much of the Borough comprises Green Belt or is part of an Area of Outstanding Natural Beauty. The appellant considers that future development of gypsy and traveller sites is likely to be within these protected areas. I note that the Main Modifications refer to provision at LA1 and LA3 as 'small-scale' and would be of a broadly comparable size to the appeal proposal, and that the identification of both sites will have reflected substantial research by the Council in relation to possible alternatives. Nevertheless, I do not have clear and direct evidence before me that such other small-scale sites could not be identified in the future outside the Green Belt or beyond other protected status. Further, unlike the appeal site, provision at LA1 and LA3 would be part of wider developments thereby yielding other housing benefits, and not in isolation.

71. The appellant also suggests that provision of eight pitches at the appeal site would offset the loss of the previously proposed five pitches at LA5, and so raise supply above the targeted figure of seventeen. I disagree, as I have little reason to find that the specific occupiers of the proposed eight pitches were, indeed, each identified in the survey which preceded publication of the GTAA in January 2013 and are reflected in that original figure.

72. In summary, I find that, even if the twelve pitches proposed for LA1 and LA3 were to be delivered within the next five years, allowing for under-delivery between 2012 and 2017 when no pitches were provided, a net shortfall of three pitches would remain. This finding reflects the seven pitches identified for provision between 2012 and 2017 and not delivered, and the further eight pitches identified as being required between 2017 and 2022.

73. Even so, this evidence sits in contrast to the up-to-date conclusions of the Inspector considering the recent DPD EIP as set out in her letter of 1 November 2016. The Inspector refers to the on-going process of preparing a comprehensive Local Plan based upon a range of updated evidence. The Inspector concludes that sites LA1 and LA3 can come forward immediately and that it would appear that a five-year supply of deliverable gypsy and traveller

sites would be provided by these two allocations. It remains unclear to me as to the precise calculation or other detailed basis upon which that conclusion was reached if allowance is to be made for the five-year backlog.

74. Given that provision of land for gypsy and traveller development at LA1 and LA3 is intrinsically related to wider development of these sites and we have no committed programme, I cannot be certain the pitches would be provided in the next five years. Nevertheless, the relevant tests of a deliverable site set out in Footnote 11 of the Framework include that it is available now and is viable, both of which are supported by the evidence. Further, Footnote 11 refers, not to a prerequisite of certainty, but to a realistic prospect of development, and the evidence submitted satisfies me in that regard.

Summary of need and supply

75. On the basis of the evidence before this Inquiry, including the absence of any further explanation by the Council as to how the previous backlog of seven pitches has been treated as part of the EIP, I remain to be satisfied that the Council is able to demonstrate a five-year supply of pitches based upon the 2013 GTAA if allowance is to be made for the historic under-supply.

76. Nevertheless, and notwithstanding the early stage of development of LA1 and LA3 and the absence of appropriate legal commitments, including the granting of planning permission, it is clear that good progress is being made by the authority towards provision of twelve pitches within the next five years. The Site Allocations DPD is at a very advanced stage, and I find prospects for delivery within the identified timescale to be reasonable. Whilst I am unable to fully appreciate and explain, I also have regard to the recent finding of the EIP Inspector. The Inspector has had regard to the Council's commitment to adopt the full, emerging local plan in the foreseeable future, and despite a possible shortfall of three pitches, has identified a five-year supply, the principles for which are clearly established through the DPD.

77. The difference in the two sets of findings is also relatively marginal. I am mindful of the importance of consistency, and have further regard to the degree of discretion identified for decision-making in the judgement of *Stonegate Homes Limited and Littleworth Properties Limited v Horsham District Council and Henfield Parish Council* [2016] EWHC 2512 (Admin). The GTAA was also some four years old at the time of this Inquiry and the EIP assessment would represent a far more up-to-date finding.

78. A further factor is any possible reduction in need for gypsy and traveller accommodation arising from the changes made to the PPTS Annex 1 definition of gypsies and travellers in August 2015 relating to adults who cease to travel. In particular, the GTAA identifies that 85% of respondents reported they had not travelled at all in the previous twelve months and a third of those had travelled in the past. The extent to which they may have ceased to travel temporarily or permanently is unclear, but some technical adjustment to need would appear likely, although that would also remain to be set alongside other factors raised by the appellant relevant to future need and referred to further below.

79. I also have regard to the advice set out in the government's Planning Practice Guidance (the Guidance). Paragraph 031 Reference ID: 3-031-20140306 confirms that deliverable sites could include those allocated for housing unless there is clear evidence that a scheme will not be implemented in five years. It further advises that planning permission is not a pre-requisite for a site being deliverable in terms of the five-year supply, and that local planning authorities will need to provide robust, up-to-date evidence to support deliverability.

80. Even though future supply would not meet existing and future need if defined at a level of fifteen drawing upon data pre-dating 2013, I find, on balance, that the authority is able to demonstrate a reasonable future supply no more than three pitches short of the minimum likely to be required and find that such a shortfall would be relatively marginal. Further, for the reasons indicated, I

place significant weight upon the more recent findings of the EIP.

81. All things considered, I find the likely future levels of need and of supply to be a factor which neither weighs significantly for or against the appeal scheme. Some further questions also remain regarding the qualitative aspects of proposed delivery, in terms of housing choice, and which I consider further below.

Availability of alternative sites

82. No details were presented to the Inquiry of any known suitable, acceptable alternative sites immediately available in the Borough. This is a factor in favour of the development to which I attach significant weight.

Failure of policy

83. The absence of any new pitches since 2012 is not disputed, and an outstanding need arises from the GTAA, and I received no indication of any currently available sites. I also received specific evidence of the surplus demand for existing gypsy and traveller sites within the Borough. In particular, reference was made to over-crowding at two public sites in Dacorum, at Three Cherry Trees Lane, and at Long Marston. I also heard evidence of an absence of private gypsy and traveller sites in Dacorum.

84. The general need to deliver a wide range of quality homes set out in paragraph 50 of the Framework applies to the gypsy and traveller community in the same way as it does to the settled community. Whilst the appellant considers that the Site Allocations DPD does not facilitate provision of any new small family-owned sites, the precise tenure and delivery of the LA1 and LA3 pitches remain to be resolved and it would be premature to criticise on those terms. Even so, implicit in the previous absence of any delivered sites is an accompanying absence of choice.

85. The significance of qualitative aspects of future supply are also recognised in a number of appeal decisions cited by the appellant. These are Appeal decisions Ref: APP/H2265/A/12/2182789 and APP/H2265/C/12/2182787 relating to Land at Orchard Farm, Well Street, East Malling, West Malling, Kent ME19 6JW and dated 26 March 2013, and Appeal decisions Ref: APP/H2265/C/12/2182585 and /2182586; /2182591 and /2182592; /2182595 and /2182596; and /2182600 and /2182601 relating to Land at Woodford, Old Lane, Ightham, Sevenoaks, Kent TN15 9AH and dated 24 July 2015.

86. In this respect, I also have regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and good relations between people who share a protected characteristic and people who do not. The proposed occupiers would be Irish Travellers and are thereby persons who share a protected characteristic for the purposes of the PSED. I further note in this regard reference to matters of equality in the judgement of *Wenman v the Secretary of State for Communities and Local Government and Waverley Borough Council* 2015 EWHC 925 (Admin), and have regard to Article 14 of the European Convention on Human Rights (the ECHR) which prohibits discrimination.

87. The appellant also considers the GTAA to have a number of further shortcomings and which undermine the Council's policies. Notwithstanding the EIP findings, the GTAA is suggested to under-estimate current needs by recognising turnover of existing pitches whilst making no allowance for in-migration. The appellant also suggests a danger of unduly discounting the change in the Annex 1 definition in relation to adults who cease to travel as this may under-represent possible natural population growth. Set against that, however, the GTAA found no households contained members who were expected to form new households in the next two years. I also note that the GTAA assumes a 3% per annum natural population growth and states that the identified target of seventeen pitches required to 2031 is drawn from both natural population growth on public sites and the needs of households currently

awaiting pitches on such sites in the area.

88. On balance, I consider the previous shortcomings in supply do reflect some failure of policy with associated equality implications, and this is a factor in favour of the development and to which I attach moderate weight.

Planning status of the proposed occupiers

89. Gypsies and travellers are defined in Annex 1 to the PPTS as persons of a nomadic habit of life whatever their race or origin. The Inquiry heard evidence from Michael Doran, Robert Lee, Margaret Hogan, Michael Nolan and Patrick Hogan, but little in relation to the other proposed occupiers. Whilst the Council and Rule 6 parties indicated they were satisfied as to the Annex 1 status of those occupiers who gave evidence and their dependants, they remained to be satisfied in relation to the others. Although some indirect evidence was offered, I concur with that assessment.

90. That said, even if there were to be remaining doubts regarding the proposed occupants' planning status, the relevance of this issue must be seen in context. In particular, this is not, in the first instance, an application for a personal permission. This appeal concerns an application to change the use of land to meet the general accommodation needs of gypsies and travellers. In the first instance, if permission were to be granted on that general, non-personal basis, a condition would be likely to follow requiring future occupants to meet the definition of Annex 1 and such terms would remain to be met. Any planning permission arising from this appeal would run with the land in accordance with the terms of the application.

Personal circumstances

91. The proposal would involve occupation of the site by an extended family of Irish Travellers, comprising some 17 adults and some 14 children. A number of the proposed occupants have pressing medical conditions, including Alice Doran, aged five, who is seriously autistic, as detailed in the letter from Kent Community Health NHS Foundation Trust dated 10 January 2017. David Nolan, the uncle of Michael Dolan and who lives with his nephew, is also suffering health issues as detailed in a discharge notification dating from 15 October 2012, and various medical conditions of other adults were also identified in the submitted evidence.

92. I also heard evidence of previous homelessness, of roadside existence, and of cultural aversion to more conventional 'bricks and mortar' accommodation.

93. Dismissal of this appeal would be likely to contribute towards the families' possible eviction from the site, thus interfering with their private and family life. In particular, it could result in the loss of their home, albeit unlawful, and the apparent lack of immediately available alternative accommodation makes such interference more serious. In the absence of other available sites, there would be a possibility of a roadside existence. These matters are relevant to the proposed occupants' rights under Article 8 of the ECHR in relation to respect for private and family life, and also Article 1 of the First Protocol as incorporated by the Human Rights Act 1998 in relation to protection of property.

94. The concern of the proposed occupiers to reside as one family unit does, however, place particular requirements in terms of the size of site required and that, in turn, will limit the suitability of smaller sites or of individual, unrelated plots. Given the limitations upon future supply, the practicalities and reasonableness of that expectation in terms of likely realisation are open to question. I also note the indications given by some of the proposed occupiers that enquiries for other sites took place after their financial commitments were made to the appeal site.

95. Whilst some association has been identified with Bovingdon, proposed occupiers have also been resident elsewhere in areas where other provision is made for gypsy and traveller accommodation. Michael Doran and his family, for example, have been based in Maidstone, Kent. I received extracts from the

Maidstone Borough Local Plan Publication (Regulation 19) February 2016 indicating provision being made in that area, but also indications from the appellant of similar problems regarding local availability.

96. Article 8 rights are not unqualified, and interference may be permissible where there is a clear legal basis as set out in the relevant article. This requires balancing the rights of the individual against the legitimate interests of others and of the wider community/public interest. Considerations of proportionality become critical, and overall assessment follows as part of my concluding planning balance.

97. Aside from the best interests of the children, I attach moderate weight to these personal circumstances and rights as a factor in favour of the scheme.

Best interests of the children

98. Where Article 8 rights are those of children, as in this case, they must also be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child. This requires a child's best interests to be a primary consideration. More particularly, *Jane Stevens v SSCLG* [2013] EWHC 792 (Admin) identifies that, although a primary consideration, the best interests of a child are not a determinative planning issue, but no consideration must initially be regarded as more important or, in advance of the subsequent assessment of the individual circumstances, be given greater weight.

99. The judgement explains at paragraph 63 that, where it is the very function of a decision-maker to attach weight to considerations which are material to the decision he/she is required to make, as he/she proceeds with his/her examination of the circumstances of an individual case, he/she must adjust the relative weighting to that which, in his/her judgment, the circumstances of the case require. Further, paragraph 66 states that it is unhelpful and analytically wrong to say that the best interests of a child must continue to have more importance or weight than any other right or interest throughout a process in which that decision-maker is exercising his/her very function of attaching importance or giving weight to all material considerations, including those which are 'primary'.

100. Paragraph 028 Reference ID: 21b-028-20150901 of the Guidance advises that decision-makers need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, it similarly advises they will want to ensure their approach is proportionate. They need to consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community.

101. Michael Doran stated very clearly to the Inquiry that his priority was the welfare of his daughter Alice. In particular, his priority was schooling. The Inquiry also heard how Alice's existing school in Kent, Five Acres Wood School, was considered by him to be a good school for treatment of autism.

102. Whilst there was little clear evidence of appropriate specialist schools or necessary other facilities nearby in Bovingdon, Mr Doran's concern is to establish a permanent base from which access may be sought to wider support services for Alice. Nevertheless, I was struck by the fact that over eighteen months had passed since submission of the planning application, and yet no details were available to the Inquiry of either proposed schooling nor of any necessary medical or other support services for Alice. Further, Michael Doran gave evidence that an enquiry regarding a possible school place was only made to the local authority days before the Inquiry and no formal application had yet been made, and no details were available of any proposed medical support. I accept that Alice's best interests may well be served by living amongst her wider family, but have little reason to find they will necessarily be addressed by this specific site, nor in the wider local area.

103. Similarly, Robert Lee indicated his family were very happy and settled in Nazeing, Essex and that his children were doing well at existing schools. The

benefit to his children of the move would be to live as part of the wider family. Margaret Hogan stated that her three children had received very little schooling in recent years. Michael Nolan indicated that some of his children were already in school elsewhere, and Patrick Hogan stated he had no children but was hoping to start a family.

104. I accept that the best interests of the children would be served by a permanent and secure home. Nevertheless, more specifically, I have little evidence for me to reasonably conclude that the educational and medical needs of the children, and particularly of Alice, would be best served by the appeal site or the wider area, particularly given the favourable circumstances of Alice's existing care, home arrangements aside. Explanation has been given as to why Alice cannot remain at her existing home, and similarly in relation to Robert Lee's family, but relatively little detailed evidence has been offered regarding any serious efforts to continue those existing services to the children whilst resident at other, alternative sites.

105. Further, the absence of specific actions and subsequent arrangements to address the medical and schooling interests of the children, and particularly the specialist needs of Alice, suggests to me this has not been a driving factor in either the selection of this particular site, nor of the wider location in and around Bovingdon. Rather, having heard and read all the evidence, the impression I draw is that the primary purpose of the scheme has been to develop a substantial site which eight related families could occupy as one larger family group and on land owned by them.

106. Whilst I regard no consideration to be of greater importance, the merits of the case presented are such that I can only afford the benefits of this development to the best interests of the children no more than significant weight. This reflects the scheme's benefits in generally preventing the children suffering homelessness and a possible roadside existence, and in delivering a safe and secure home base in which the children may thrive. The weight is tempered as I cannot be satisfied from the evidence before me that this particular site is necessary to serve the best interests of the children in terms of either their education or medical or any other needs.

Other Matters

107. A number of other factors have been raised by local interested parties, both at the Inquiry, and in writing, and these include the issues below.

Precedent

108. Reference is made to a possible precedent created by the proposed use of the appeal site with regard to development of other sites in the vicinity, and particularly in relation to further land to the south also owned by the appellant.

109. Any such proposals are not before this appeal. The planning circumstances of any individual site and of any proposed scheme will be different from others, and each proposal and site must be considered with reference to its own particular merits.

Services

110. A letter has been received from the Executive Principal of Bovingdon Primary Academy dated 14 July 2016. This letter states, amongst other things, that the primary school is over-subscribed, that there is no capacity to receive additional children, and that the site is not big enough to cater for additional accommodation. This representation was not substantiated at the Inquiry and appears to be inconsistent with the Council's own submitted evidence. In particular, page 67 of the Council's Site Allocations Background Issues Paper dated November 2015 states that the school's requirements for additional provision in Bovingdon to 2031 would be met through 'existing latent capacity'.

111. Whilst I respect the Principal's first-hand operational knowledge of the school itself, I have to defer to the wider, more strategically informed assessment of the local authority which may well reflect wider service considerations of resourcing, other schools and local demographics.

112. A site plan of Bovingdon Primary Academy was also submitted by Bovingdon Parish Council. Although this shows only parts of the site to be occupied by buildings, I am not in a position to make judgements around any future physical development capacity given attendant needs for play space and other open facilities.

113. No objection is raised by the Council in relation to possible impact upon schools and other services and I have little reason to conclude otherwise.

114. I also note the site is served by buses and so offers opportunities for connecting to wider public transport.

Other planning decisions

115. A range of other planning decisions and appeals have been cited. This includes the Council's decision to refuse planning permission for redevelopment of the adjacent Bobsleigh Hotel contrary to the recommendation of its officers (decision notice dated 25 June 2015 relating to Application Ref: 4/01088/13/MFA).

116. I have had regard to all such decisions, and note both similarities and distinctions with the appeal proposal. Even so, and whilst mindful of the importance of consistency in decision-making, and particularly in terms of fairness and expectation, the conclusions I have reached here are based upon the case-specific considerations relevant to this appeal as identified.

Other

117. A number of other issues have been raised by local interested parties. These include traffic, biodiversity and flooding. The Council has not raised these matters in objection and I have little reason to oppose the development on any of those grounds.

118. I have carefully considered the above and all other matters raised, but they do not dissuade me from the conclusions I have reached on the main issues, either individually or cumulatively.

Sustainable development

119. The Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development. The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined by the Framework with reference to the policies in paragraphs 18 to 219 taken as a whole.

120. Paragraph 13 of the PPTS states, in relation to plan-making, that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally.

121. The scheme would undoubtedly provide significant and much needed housing with accompanying social benefits. In environmental terms, however, the scheme would carry a very high cost through definitional harm to the Green Belt by reason of inappropriateness, and by reason of loss of openness, encroachment into the countryside and merging of towns. It would also adversely impact upon local character and appearance.

122. In summary, the scheme would offer important social benefits to future occupants but would also incur a range of environmental harm. Overall Planning Balances Full planning permission

123. Paragraph 12 of the Framework reminds us of the statutory status of the development plan as the starting point for decision-making. It explains that proposed development which accords with an up-to-date Local Plan should be approved, and that proposed development that conflicts should be refused unless other material considerations indicate otherwise.

124. In the context of the Green Belt, paragraph 88 of the Framework requires me to consider whether there may be other considerations which might clearly outweigh any harm arising to the Green Belt by reason of inappropriateness, and any other harm, and whether they might amount to the very special circumstances necessary to justify the proposal in this location.

125. Policy E of the PPTS states that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Paragraph 031 Reference ID: 3-034-20141006 of the Guidance similarly states that unmet housing need, including for traveller sites, is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt. Even so, *Doncaster Metropolitan Borough Council v Secretary of State for Communities and Local Government*, AB [2016] EWHC 2876 (Admin) makes clear that the weight to be given to personal circumstances and unmet need is a matter for the decision-maker.

126. Policy H of the PPTS requires applications for gypsy sites to be assessed in accordance with the presumption in favour of sustainable development and with regard to the application of specific policies in the Framework and the PPTS. In accordance with paragraph 14 and Footnote 9, the presumption in favour of sustainable development is qualified as to the extent to which it applies in the instance as the scheme constitutes inappropriate development in the Green Belt and is thereby subject to specific policies in the Framework indicating that development should be restricted.

127. A number of factors weigh in favour of the development. The best interests of the children are a primary consideration to which I attach significant weight in this instance. Lack of immediately available sites is a matter to which I attach significant weight. I consider that the previous shortage of sites in this instance may also indicate a previous failure of policy and inequality of housing opportunity for gypsies and travellers in the Borough. These matters have further implications for my decision arising from the Equality Act and to which I attach moderate weight. I also attach moderate weight to the personal circumstances of the proposed occupants and their associated rights.

128. Nevertheless, the facts remain that both temporary and permanent traveller sites are inappropriate development in the Green Belt and, in this instance, would also incur other Green Belt harm as identified. In accordance with paragraph 88 of the Framework, substantial weight is attached to the totality of harm to the Green Belt. I also attach very significant weight to the serious harm to character and appearance as described, and attach moderate weight to the harm arising through intentional unauthorised development.

129. In summary, I find that the other considerations presented by the appellant, taken together, amount to significant collective weight in favour of the scheme but that, cumulatively, the factors in favour of the scheme, and inclusive of all personal considerations, do not clearly outweigh the substantial harm arising.

130. Dismissing this appeal or granting a time-limited permission would interfere with the occupants' various rights as identified, and the concept of proportionality is crucial, but interference would be in accordance with the law and in pursuance of a well-established and legitimate public aim of protecting the Green Belt. I am also satisfied that that the adverse impacts of dismissal would be proportionate relative to the rights of the children.

131. Very special circumstances therefore do not exist to justify the proposal on a permanent basis.

Temporary planning permission

132. Possibilities for a temporary permission require a second balancing exercise taking into account the reduced harm arising from the limited duration of any permission and any reasonable expectation of a change in planning circumstances, such as alternative sites becoming available through the development plan process within a specific period. Given the timeframe of the Site Allocation proposals, and subsequent interpretations of their likely delivery, the appellant considers a minimum of five years would be required for any temporary permission, the Council a minimum of three years.

133. Although the PPTS advises that the absence of an up-to-date five-year

supply of deliverable sites is a significant material when considering a temporary planning permission, it excludes this advice in relation to sites within the Green Belt. This again underlines the importance of safeguarding the interests of the Green Belt, even on a temporary basis.

134. I have particular regard to the best interests of the children, and the likely hardship arising from the practical difficulties of finding alternative, authorised accommodation, and of possible immediate disruption to home life. Having regard to the consequences of the families becoming homeless, and especially the best interests of the children, the lack of an immediately alternative site has significant weight.

135. I also have regard to appeal decisions Ref: APP/U4230/W/16/3146755 and APP/U4230/C/16/3149521 dated 15 December 2016 and relating to land around Lumns Lane, Swinton, Greater Manchester, M27 8LN. Whilst those decisions have some similarities with this appeal and involved a temporary permission, the particular circumstances appear materially different insofar as the scheme was assessed within the context of a fallback position involving significant authorised development.

136. Before planning permission can be granted for even a temporary period, however, it is still necessary to show that the other considerations clearly outweigh the harm to the Green Belt and any other harm, and that very special circumstances exist such as to justify the grant of planning permission.

137. Whilst the duration of the use may be shorter, the substantial weight to be attached to the harm arising by reason of inappropriateness and to the other harm to the Green Belt, and the harm to character and appearance and in connection with intentional unauthorised development, would still apply to the duration of a temporary permission.

138. Such would be the scale of planning harm inherent to this scheme, reflecting both the physical extent and character of the proposal and the importance of the Green Belt, that I find, even over a minimum temporary period of three years, that the considerations in favour of the development, and inclusive of all personal factors, would still not clearly out-weigh the adverse harms to the Green Belt and to other matters. Further, rejection of this option would be both a necessary and proportionate response.

139. Very special circumstances justifying the grant of a temporary permission, even for a three year period and personal to the circumstances of the occupants, do not therefore exist.

Conclusions

140. My overall conclusion, therefore, is that proposals for permanent and temporary use would be contrary to the development plan as a whole, and that this finding would not be out-weighed by other material considerations, including relevant provisions of the Framework and the PPTS.

141. The development should be resisted and protection of the public interest cannot be achieved by means that are less interfering of the proposed occupants' rights. Such interference is proportionate and necessary in the circumstances and hence would not result in a violation of their various rights, and would not be inconsistent with the expectations of the Equality Act, 2010.

142. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

F. ALLOWED

None

