



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 25 MAY 2017 AT 7.00 PM
COUNCIL CHAMBER**

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

Membership

Councillor Guest (Chairman)
Councillor Birnie
Councillor Clark
Councillor Conway
Councillor Maddern
Councillor Matthews
Councillor Riddick

Councillor Ritchie
Councillor Whitman
Councillor C Wyatt-Lowe (Vice-Chairman)
Councillor Fisher
Councillor Tindall
Councillor P Hearn
Councillor Bateman

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) 4/00022/17/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO 5-BED DWELLINGS - SYMONSDOWN, VICARAGE LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LT (Pages 5 - 19)

- (b) 4/03310/16/FUL - THE INFILLING OF THREE EXISTING OPENINGS WITH CLEAR GLAZING AND TIMBER PANELS - THE OLD BOATHOUSE, CASTLE WHARF, BRIDGE STREET, BERKHAMSTED, HP4 2EB (Pages 20 - 31)
- (c) 4/03638/15/FUL - CONSTRUCTION OF NEW DWELLING TO THE REAR OF NO'S 7 & 8 HUNTING GATE (FURTHER REVISED SCHEME) - 7 HUNTING GATE, HEMEL HEMPSTEAD, HP2 6NX (Pages 32 - 52)
- (d) 4/00036/17/FHA - CONVERSION OF LOFT SPACE TO BEDROOM AND EN-SUITE, RAISING THE ROOF FROM HIP TO GABLE. PROVISION OF DORMERS TO FRONT AND REAR.
9 DELLFIELD AVENUE, BERKHAMSTED, HP4 1DX (Pages 53 - 58)
- (e) 4/02911/16/FUL - PROPOSED OAK-FRAMED BARN TO REPLACE EXISTING BUILDINGS (AMENDED SCHEME) - LONG LANE FARM, LONG LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NE (Pages 59 - 74)
- (f) 4/02588/16/FHA - CONSTRUCTION OF CONSERVATORY - THE OLD FORGE, WESTBROOK HAY, LONDON ROAD, HEMEL HEMPSTEAD, HP1 2RG (Pages 75 - 80)
- (g) 4/02694/16/LBC - CONSTRUCTION OF CONSERVATORY - THE OLD FORGE, WESTBROOK HAY, LONDON ROAD, HEMEL HEMPSTEAD, HP1 2RG (Pages 81 - 86)
- (h) 4/00385/17/ADV - EDGELIT ILLUMINATED FASCIA SIGN AND NON-ILLUMINATED PROJECTING SIGN - 186 HIGH STREET, BERKHAMSTED, HP4 3AP (Pages 87 - 93)
- (i) 4/00438/17/FHA - PROPOSED FLANK AND REAR EXTENSION - 13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY (Pages 94 - 102)
- (j) 4/00280/17/ADV - ILLUMINATED PROJECTING SIGN. SUSPENDED PROJECTING NAME SIGN WITH PAINTED STEEL FRAME AND INSET CERAMIC TILED PANEL AND PAINTED LOGO - 157-159 HIGH STREET, BERKHAMSTED, HP4 3HB (Pages 103 - 110)

6. APPEALS UPDATE (Pages 111 - 114)

7. PLANNING CODE OF PRACTICE (Pages 115 - 132)

Item 5a

4/00022/17/FUL – DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO 5-BED DWELLINGS

SYMONSDOWN, VICARAGE LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LT



**4/00022/17/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO 5-BED DWELLINGS.
SYMONSDOWN, VICARAGE LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LT.
APPLICANT: Mr M Leach.**

[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 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, including the character of the Conservation Area and the setting of nearby listed buildings, 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 application site is located within a residential area of Bovingdon, within the Conservation Area. The site itself is comprised of a detached single storey property and either side (to north and south) are pairs of semi-detached, two storey, dwellinghouses. Facing the site, to the east, lies a Grade II listed building and to the rear (west) there is an area of designated open land.

Proposal

This application seeks full planning permission for the demolition of the existing one and a half storey bungalow and the construction of two detached dwellinghouses.

Referral to Committee

The application is referred to the Development Control Committee as Bovingdon Parish Council has objected to the proposal stating:

- *"The property is in the conservation area.*
- *It would be over development and is out of keeping with surrounding properties - site is only 19 metres wide.*
- *Overshadows neighbouring properties; lack of privacy and light.*
- *Insufficient parking.*
- *Concerns over safety of entry into Vicarage Lane - pinch point at this junction in lane and if remove the post and wire fence between neighbouring property could cause loss of visibility when accessing Vicarage Lane."*

In addition to the above, a letter has recently been received from a planning consultancy on behalf of the Parish Council and also local residents. This letter raises specific concerns with regards to:

- Impact on residential amenity and living conditions.
- Impact on the safety and operation of the local highway network.
- Impact on the character and appearance of Bovington Conservation Area and Grade II listed building 'Church House'.

Further, Councillor Riddick has 'called-in' this application raising concerns which are summarised below:

- Harm to the Conservation Area and the setting of the nearby listed building.
- Insufficient parking and space for safe manoeuvrability within the site.
- Access to the development would not be safe.
- Lack of amenity space for future occupants.
- The proposed dwellings would be cramped upon their plots.

Relevant History

4/00056/98/4 – Replacement conservatory. Granted.

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
 CS27 – Quality of the Historic Environment
 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 119 – Development Affecting Listed Buildings

Policy 120 – Development in Conservation Areas
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 – No objection subject to relevant conditions.

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 received.

Hertfordshire Property Services - Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

Comments received from local residents:

Several letters of objection have been received from addresses at Church Land House, Church Street, Flaunden Lane, Bushfield Road, Howard Agne Close and Vicarage Lane. Several other objections have been received from unidentified addresses. Objections are summarised as:

- Impact on setting of listed building.
- Impact on Conservation Area.
- Visually prominent and incongruous with surrounding properties.
- Harm to living conditions in terms of overlooking, overbearing, loss of light and noise and disturbance.
- Visually cramped.
- Lack of parking provision.
- Harm in terms of highway safety.
- Overdevelopment.
- Cumulative impact of developments in area harming highway safety.
- Impact in terms of flooding.
- Pressure on sewer system.
- Harm in terms of air pollution

It is noted that some of the above mentioned objections draw attention to the loss of views from existing properties. This is not a material planning consideration and has been afforded no

weight in the determination of this proposal. Further, concerns have been raised with regards to larger vehicles damaging land outside of the application site. Again, this falls outside of the remit of planning and forms a separate legal/civil matter.

It is also acknowledged that the initial Heritage Statement suggested that the site was just outside of the Conservation Area. The applicant has acknowledged that this is an error and a revised statement has been submitted. Further, as demonstrated in the assessment below, it is clear that this proposal has been assessed as being within the Conservation Area and the development has therefore been considered fully against appropriate heritage policies.

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, including the Conservation Area and the setting of adjacent listed buildings
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) Air Pollution

1. The principle of the development

The application site is located within Bovingdon 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 Large Village of Bovingdon. 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, including the Conservation Area and the setting of adjacent listed buildings

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 specific historic environment policies within the Framework are contained within paragraphs 126-141 of the Framework. Paragraph 131 states that, in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Though not fully consistent with the Framework in this regard (as Section 12 does allow for harm to heritage assets in certain circumstances), Policies CS25 and CS27 and Local Plan Policies 119 and 120 seek to preserve the setting and distinctiveness of heritage assets and historic landscapes.

The application site is located on the western side of Vicarage Lane and comprises a detached, one and a half storey, residential unit. The site is bound to north and south by two storey semi-detached properties. These are constructed of render under hipped roofs and are typical in design of inter-war properties. Moving south along Vicarage Lane there are examples of more traditionally designed terraced properties and approximately 40m to the north of the site there are examples of more modern, recently constructed, detached properties.

Spacing and Prominence

The proposed units would be set-back from the access road by approximately 11m and there would be a gap of approximately 1.3m between them. Further, there would be a gap of approximately 1m between the proposed units and the northern boundary of the site (4.3m to the adjacent unit beyond this boundary) and a gap of approximately 1m between proposed units and the southern boundary of the site (2.2m to the adjacent unit beyond this boundary).

Taking the above into account, and as there would be approximately 19m between proposed units and the rear boundary of the site, it is considered that the spacing left about and between proposed units, which would be similar to spacing about properties to the north of Vicarage Lane, would be acceptable. As such, the development would not appear cramped or overdeveloped upon the plot.

In addition to the above, the proposed units would have a maximum height of approximately 8.3m – which is consistent with the scale of adjacent and surrounding units. As such, and given the set-back nature of the proposal from the access road, it is not considered that the units would be visually dominant or oppressive within the streetscene.

Landscaping

On discussion with Dacorum Trees and Woodland Officers, it is not considered that the proposal would result in harm to vegetation that is of significant amenity value to protect.

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 and the proposal would ensure sufficient soft landscaping remained at the site. 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.

Heritage

The application site is located with Bovingdon Conservation Area and is within close proximity of a Grade II listed building to the east. As discussed above, the immediate streetscene is comprised of a mix of built residential form, constructed in a variety of styles from a diverse palette of materials. Notwithstanding this, it is clear that the designated heritage asset facing the site strongly influences the immediate setting of the application site and it is with this listed building that the proposed development would be 'read'.

One of the proposed units would be constructed of napped flint to harmonise with the construction of the adjacent heritage asset and the other would be constructed of facing brickwork. Windows would be timber frame sliding sash and units would comprise brick detailing appropriate for their historic setting.

It is clear that the proposed development has been guided by the historic context. On discussion with Dacorum Conservation Officers, subject to conditions requesting full specifications of the materials to be used in the actual construction of units and details of the proposed rooflights, it is considered that the design of the dwellings would be of a high quality and would preserve the character of the Conservation Area and the setting of the identified listed building.

Notwithstanding the above, it is noted that specific concern has been raised with regards to the proposal's compliance with Bovingdon Conservation Area Character Appraisal and Management Proposals 2009. However, it is not considered that the proposal represents '*large-scale redevelopment*' or *new* development at a rural, soft edged, boundary. Taking this into account, and as the development respects the overall scale of surrounding built form and is of a high standard of design, it is considered that the proposal complies with the provisions of the above mentioned document.

Conclusion on Design, Character and Appearance

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. Further, the two detached properties would be of a high quality of design, informed by their historic context, and would therefore harmonise with the historic spatial pattern of surrounding built form. As such, the proposal would comply with identified local and national policy in this regard and would preserve the character of identified designated heritage assets.

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.

The proposed unit towards the southern boundary of the site would be approximately 2m away from the neighbouring unit to the south 'Belvedere' and would not extend beyond the single storey element of this neighbouring property which is immediately adjacent to the shared neighbouring boundary. Further, the above mentioned proposed unit would only extend, at two storey level, approximately 3m beyond the first floor of 'Belvedere' and there are no primary habitable room windows within the northern elevation of this neighbouring unit.

Taking all of the above into account, though the proposal would be visible from rear windows at 'Belvedere' and the rear external amenity space which benefits this unit, it is not considered that the proposed development would result in significant harm to the living conditions of the occupants of this property, in terms of overbearing and loss of light, to the extent that would warrant a refusal of permission.

Turning to 'Green Close' to the north of the site, the proposed unit towards the northern boundary of the application site would be positioned a minimum of approximately 4m away from this neighbouring dwelling. Further, the above mentioned proposed unit would not project significantly beyond the rear elevation of this neighbouring property and there are no primary habitable room windows within the southern elevation of 'Green Close'. As such, it is considered that the proposal would preserve the living conditions of the occupants of this neighbouring property, in terms of over bearing and loss of light.

In addition to the above, as there would be no habitable room windows within the flank elevations of proposed units and proposed first and second floor rear windows would not afford direct views of the private, primary, amenity space which benefits neighbouring properties, it is considered that the development would preserve the privacy of surrounding dwellings.

The proposed dwellings would be constructed to a high standard and would each offer in excess of 140m² of external amenity space. Taking this into account, and also as the relationships they would share with existing adjacent properties would be acceptable in terms of matters discussed above, it is considered that the proposed units would afford appropriate living conditions for future occupants.

Taking all of the above into account, and as the applicant has submitted a daylight/sunlight

assessment indicating only very limited harm to neighbouring units in terms of loss of light, 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 front. Further, there are additional off-road parking spaces within the surrounding area. As such, it is considered that two off-road parking spaces per unit, which are laid out in a useable formation, would be acceptable.

Turning to highway safety, Vicarage Lane is an unclassified local access road, with a 30mph limit, so vehicles are not required to enter and leave the site in forward gear. However, the applicant has proposed 'turn-table' parking mechanisms which would allow for vehicles to exit in a forward gear. Further, there have been no collisions resulting in personal injury in the last five years.

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 and there are no records of roosting bats at the site. As such, and as the applicant must halt all development (including demolition) if protected species are encountered at and any stage and appropriate mitigation implemented, it is not considered that the proposal would result in significant harm to biodiversity at the site and the proposal 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.

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.

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

Policy 129 seeks to ensure that developments have adequate storage for refuse and recycling.

Each unit affords storage areas to front 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) Air Pollution

It is noted that specific concern has been raised with regards to air pollution. Policy CS29 seeks to minimise carbon dioxide emissions. Given the scale of the proposed development and the associated vehicular movements, it is not considered that the development would result in

significant harm in terms of air pollution. As such, the proposal would comply with policy CS29 and is acceptable in this regard.

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 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, including the character of the Conservation Area and the setting of nearby listed buildings, 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: wren naj 97a 2016 Rev. D & wren naj 97b 2017 Rev. D & wren naj 97c 2016 Rev. D & wren naj 97I 2016 & wren naj 97 2016 & Site Location Plan (scale of 1:1250).**

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

- 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, CS12, CS13, CS25 and CS27 of the Dacorum Core Strategy 2013 and Policies 119 and 120 of the Dacorum Local Plan 2004.

- 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. All landscape works shall be carried out in accordance with the guidance contained in British Standards.**

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 **Prior to the construction of the roofs of the dwellings hereby approved, full specifications of the rooflights shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, development shall be carried out in accordance with approved details in this regard.**

Reason: In the interests of the character of the area in accordance with Policies CS11, CS12, CS13, CS25 and CS27 of the Dacorum Core Strategy 2013 and Policies 119 and 120 of the Dacorum Local Plan 2004.

- 7 **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.

- 8 **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.

- 9 **Prior to first occupation of the development hereby approved, all on site vehicular areas shall be surfaced in accordance with details requested in condition 4 so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

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

Agenda Item 5b

Item 5b

4/03310/16/FUL – THE INFILLING OF THREE EXISTING OPENINGS WITH CLEAR GLAZING AND TIMBER PANELS

THE OLD BOATHOUSE, CASTLE WHARF, BRIDGE STREET, BERKHAMSTED, HP4 2EB



**4/03310/16/FUL - THE INFILLING OF THREE EXISTING OPENINGS WITH CLEAR GLAZING AND TIMBER PANELS.
THE OLD BOATHOUSE, CASTLE WHARF, BRIDGE STREET, BERKHAMSTED, HP4 2EB.
APPLICANT: MR DAVID COWHAM.**

[Case Officer - Ross Herbert]

Summary

The application is recommended for approval.

Both the case officer and the Conservation and Design officer are suitably satisfied that the modest alterations to the building proposed as part of this application will not prejudice the permitted use of the building as a commercial boat yard. The scheme has been subject to negotiation with the Council's Conservation and Design team. The scheme has been amended to improve the fenestration and framing details to better reflect the industrial heritage of this canalside site. As a result it is considered that the proposed development would sit comfortably on the canalside elevation of the Boathouse and would be sympathetic to the character and appearance of the existing building, the conservation area and the canalside environment. As such the proposals would be in compliance with policies CS11, CS12, CS27 of the Core Strategy, together with saved policy 106 of the Local Plan.

Site Description

The site lies in the urban area of Berkhamsted and within the Conservation Area. It forms part of the redeveloped boatyard on the canalside in Berkhamsted, constructed under the original planning ref 4/00804/10/FUL and the amendments under 4/01070/11/FUL. Its principal frontage is on to the south bank (off-line side) of the Grand Union Canal with access via Bridge Street. It is bounded by the canal, the River Bulbourne, Bridge Court sheltered housing, a private detached dwelling and the former warehouse building associated with Castle Wharf, now a private residence known as The Warehouse. The site shares its vehicular access with Bridge Court.

The site is clearly visible from up and down the canal with the boatyard occupying a landmark positioned midway between the two canal bridges at Castle Street and Ravens Lane.

Proposal

Planning permission is sought for the introduction of three panels of metal-framed glazing into the existing openings on the canal facing elevation of the old boat house. The glazing would be located behind the existing shutters and would comprise of powder coated frames and glazing bars in an industrial pattern, with central pivot opening light. Each window would have a brick cill in Staffordshire Blue engineering bricks.

Procedural note

The application was originally submitted as a Full Householder Application. The applicant was made aware by the case officer at validation stage that a Full Planning Application would be required, due to the commercial use of the building. Replacement application forms and the remainder of the planning fee were duly submitted and the application validated.

Referral to Committee

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

Planning History

4/02325/05 - 2005 full application for 5 residential units with no canalside facilities and the loss of the whole slipway, refused on grounds of: lack historic canal wharf facility; overbearing and dominant houses in terms of scale, height and design; and overdevelopment via insufficient parking and turning on site. It was subsequently dismissed at appeal via a public inquiry.

4/01230/06 - In 2006 a further full application was submitted by the same owner for 4 residential units, retention of slipway and provision of a pump-out facility. This was refused by DC Committee on the following grounds: its lack of a replacement boatyard facility and impact on canalside environment failing to accord with Policy 106; the pump-out facility alone would fail to compensate for this; an unacceptable impact on neighbouring amenities through smell and nuisance. This was also subsequently dismissed at a public inquiry appeal.

4/00804/10/FUL - demolition of boat shed and construction of new boathouse incorporating a residential unit and separate block of two flats, restored slipway and associated parking. Granted 11/11/2010.

4/01070/11/FUL - demolition of boat shed and construction of new boathouse incorporating a residential unit and flat, restored slipway and associated parking. Granted 08/09/2011.

4/02036/15/LDP PROPOSED GLAZING OF EXISTING WINDOW OPENINGS
Refused
24/08/2015

4/01902/16/LDP INTERNAL ALTERATIONS TO INFILL THREE EXISTING OPENINGS
WITH GLAZING AND TIMBER PANELS
Refused
06/09/2016

4/00186/16/LDP THE INFILLING OF THREE EXISTING OPENINGS WITH CLEAR
GLAZING AND TIMBER PANELS
Granted
24/03/2016

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS12 - Quality of Site Design
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 106

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)
Conservation Area Character Appraisal for Berkhamsted

Summary of Representations

Berkhamsted Town Council

Initial comments

Object

The proposal conflicts with the stated use of the building as a boatyard thus resulting in an unauthorised change of use. This would imply increased noise and nuisance to neighbouring properties.

P120 Appendix 3 (vi)

Comments on amended plans

Objection.

The Town Council has noted some amendments to the proposals, in particular the inclusion of industrial steel windows inside the retained roller shutters. Notwithstanding, the proposals continue to conflict with the stated use of the building as a boatyard thus resulting in an unauthorised change of use. This would imply increased noise and nuisance to neighbouring properties.

P120; Appendix 3 (vi).

Conservation and Design

Initial comments

The boatyard structure sits adjacent to the canal within the conservation area and there are a number of locally listed buildings nearby. The proposal would be seen within the wider character of the canal side setting.

We would have no objection to the principle of glazing the window openings behind the shutters. Overall this would have a limited impact on the character of the canal. We welcome the set back of the windows which would be in keeping with the historic character of canal side buildings however it would be beneficial to review the fenestration of the windows. Generally canal side buildings dating to the 19th century which this building appears to respond to have smaller glazed panels. We do note that the neighbouring building has a similar fenestration to that proposed but whilst this may be appropriate for the large opening it may be beneficial to reconsider the fenestration to the smaller openings adjacent to the canal and ensure that the details of the surround and frames reflect this industrial character.

Recommendation We would not object to the proposals however it would be useful to reconsider the fenestration and frame details to the openings adjacent to the canal to ensure that the industrial character of the canal site is maintained.

Comments on amended scheme

The boatyard structure sits adjacent to the canal within the conservation area and there are a number of locally listed buildings nearby. The proposal would be seen within the wider character of the canal side setting.

We would have no objection to the principle of glazing the window openings behind the shutters. This would have a limited impact on the character of the canal. We welcome the set back of the windows which would be in keeping with the historic character of canal side buildings and believe that the amended design and materials proposed now reflects the industrial character of canal side buildings. This would be appropriate and in keeping with the conservation area and the character of historic development along the wider non-designated heritage asset of the canal.

Recommendation We would not object to the proposals and believe that the amended proposals ensure that the industrial character of the canal site is maintained.

Canal & River Trust

Thank you for your consultation.

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based on the information available we have no comment to make. We do however request that the following informative is appended to the decision notice:

Informative

The applicant is advised to contact the Canal & River Trusts' works planner, Osi Ivowi, on 01908 302 591 to ensure that the work complies with our 'Code of practice for works affecting the Canal & River Trust'.

Historic Environment Advisor

In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.

Please do not hesitate to contact me should you require any further information or clarification.

Network Rail

No comments.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Berkhamsted Citizens Association

At the meeting of its Townscape Committee on 10 January 2017 the Berkhamsted Citizens Association wished to express concern at this application.

The previous LDP applications concerning this site's glazing have been variously refused, granted and refused; the decisions depending on the Council's view of the advice of the applicant's planning barrister. The most recent refusal (4/01902/16/LDP) has elicited at last a planning application for Full Householder consent, so that the questions can be decided upon.

The questions seem to be: Does the application constitute development? and, Will the glazing affect the appearance of the building? The BCA takes the view that the answer to both is 'yes'. In fact, it considers that the glazing not only affects the appearance of the building, but also its ability ever to be used, at least partially, as a boatyard again. As such this application challenges terminally the concept of Berkhamsted as a centre for boat maintenance in the future.

However the Committee was not totally opposed to the alterations being carried out, provided the work was reversible, should boat maintenance here ever emerge as an option in the future.

4a Station Road, Mr A Walsh

Object.

I would ask the planners to consider the long term implications of this change of use from its original intention. What has changed in planning terms?

6 Station Road, Katie Forman

Object.

I live directly opposite The Old Boathouse at no.6 Station Road and I am one of the several houses adversely affected by this application. The openings in question look straight into my house.

My overriding concern then and now is if used residentially it would give me no privacy whatsoever at any time - in addition to the existing house which is opposite and above but those windows are higher up, set back and not as big.

So in summary my concern of permitting windows to be fitted is that the boatyard's use will change completely, contrary to the planning conditions, which will adversely affect me and my neighbours to a massive extent - loss of privacy, increase in disturbance and noise pollution. How this space is used has a fundamental impact on the properties opposite.

7 Station Road, Jane Ferrett

Object.

The gardens will be overlooked by this change to the Old Boathouse taking away the privacy of the from anyone using the garden.

8 Station Road, Jane Keenan

Object.

When the original plans for this site were passed they were on the basis of "permission being granted as it preserved the original character and amenity of the property in the heart of the conservation area", this being a boatyard. The Operational boatyard has been closed for some time and I believe all machinery has been removed. I understand the space is currently used as a gymnasium for the owners "employees" and often music is blasting across the water - this caused a disturbance over the summer months last year.

By installing glazed windows it will be impossible to use the property in accordance with the conditions placed upon it in the last planning application (APPLICATION 14th September 2011, 4/01070/11/FUL) - as a boatyard - and this current application is a simple attempt to change the

use of the space, I would guess to a more residential than industrial nature. Approval of the application would clearly be bypassing open development control and leading to 'condition creep'.

Flat 1 Canalside, Mark Granger

Object - summary below:

- I would strongly suggest that the glazing certainly should be considered as constituting a development as to glaze over the openings covered by the shutters would definitely and obviously affect the external appearance of the building and be a fundamental change to effectively prevent the building from being used as a boathouse therefore going against the obvious intention of the original application.
- The Boathouse at present when viewed from the canal at present with its metal shutters has an obvious industrial presence in keeping with its original purpose and design. This is I suggest an intrinsic feature of the original design and purpose of structure. Therefore to remove the shutters and replace them with glass windows would result in a building that looks like any other residential building, which I suspect is the end goal of the owner. Further, the original building on the site had identical openings and these were replicated in the new version of the Boathouse, therefore as an intrinsic part of the original design one can infer that the openings existed as an essential part of the operation of the premises when it was in use as a Boathouse. Whether this would have been to provide additional access from the canal or essential ventilation when building and maintaining craft is unclear. However the fact that this was a significant feature of the original building and it's replacement would seem to provide proof that the shuttered openings are essential and required for the building to be used for the purpose it was built for. Therefore if the openings were to be filled in with glazing then it would fundamentally change the character and preclude the building from being used as a boathouse in the future. That being said, I would suggest that this provides evidence that glazing would certainly constitute a development and is certainly a significant alteration to the external appearance of the premises and therefore a planning application should be required to provide authorisation for the changes.
- To this end I would suggest that the council reconsider the certificate of lawful development that was granted under ref. 4/00186/16/LDP which would seem at odds with the facts that this would go beyond 'internal alterations within a building' and would form a material change to external appearance of the building and in turn be a cause of harm. This is obvious when you consider the significance, scale and coverage of the change which is being made to the buildings external appearance.
- I accept that the site has not been a hive of activity however this is likely due to how it has been marketed and perhaps to a lack of interest on the owners part. Therefore it should not be said that because it has seen little use that it could not be a valued community assets.
- Moving on to NPPF 12, Conserving and enhancing the historic environment while I fully accept that this is a modern building and that with hindsight more should have been done to conserve the previous boathouse that regrettably was beyond saving. However I would suggest that the current building actually fulfills the same function and therefore essentially functions as a heritage asset and is an irreplaceable resource which should be conserved in line with NPPF 12, 126 and that the proposed changes would not be in line with point c, and d.
- To this end I would suggest that the function of the building is the asset and that the application does not provide any substantial public benefit or indeed any benefit at all for any anyone other than the applicant. After all as NPPF point 169 inferred, this may well be a future heritage asset and therefore should be considered worthy of protection. Given that

the original building was lost I would point out that point NPPF 12, 136 should be carefully considered as justification for refusing the application. Given that the Planning application as I have stated repeatedly will both prevent the business from being a boatyard and clearly alter the character and appearance of the building it is hard to see how granting this application or failing to continue to oppose the appeal would be in line with the policies set out in the NPPF and the NPPG.

- The application should also be considered in light of the complaints made by objections to the application that the property is now being used as a gym by the owners "employees" or children and that this usage has been responsible for a significant amount of noise and disturbance to an area that previously enjoyed peace and quiet. This application will only make the building more desirable for this use and the resulting disturbance. Therefore it is hard to see how granting this permission would be making a positive contribution to the local character and distinctiveness (NPPF 12, 131c)
- When considering the application it is also worth remembering that the original application was granted for the site on the condition that the application included a separate and working Boathouse. And therefore the application would not have been acceptable to the council if the Boathouse had not been included in the application. Therefore given the nature of the changes the glazing would create to affect the original character of the building and therefore it's usage then it should be rejected as it is clearly contradicting the original conditions placed on the premises by the Development Control Committee.
- Therefore for the reasons that I have stated at some length I would suggest that the application should be rejected as it clearly seeks to undermine the very clear conditions laid down for the premises in 4/01070/11/FUL and is an obvious attempt to begin to convert the premises into a residential property. The objections are well founded and supported by policies and therefore I would suggest that a rejection of the application 4/03310/16/FHA is obviously called for. To this end I would also urge you to continue to vigorously oppose the appeal that the applicant have already put forward as it is obviously without any merit as I indicated earlier in this objection. I am sure that the original decision by the council would be upheld and the appeal rejected.

Considerations

The key considerations in the assessment of this application are considered to be: the impact of the proposed works on the permitted use of the building; the impact of the proposals on the appearance of the building; the impact of the proposals on the character and appearance of the Conservation Area; the impact of the proposals on the canalside environment; and the impact of the proposals on the amenities of the surrounding residential properties.

Application Background/Context

Original Permission

The site forms part of the redeveloped boatyard on the canalside in Berkhamsted under the original planning ref 4/00804/10/FUL and the amendments under 4/01070/11/FUL.

Application 4/00804/10/FUL granted planning permission on 17/11/10 for: 'Demolition of boat shed and construction of new boathouse incorporating a residential unit and separate block of two flats, restored slipway and associated parking'. Application 4/01070/11/FUL granted permission for an amended scheme for: 'Construction of new boathouse with restored slipway incorporating one dwelling with associated parking (amended scheme)'.

The application was subject to a number of planning conditions; one of which, condition 5 stated: '*The boathouse, associated works and slipway hereby approved shall be used solely as*

a boatyard for commercial purposes and at no time shall it be used for any other use or purpose.' This was to ensure the modest ancillary commercial boatyard remained in use as such, which was an important element of the scheme which was granted. Condition 1 removed permitted development rights for windows and other openings and stated: *'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed without the prior written approval of the local planning authority.'* This was to protect the residential amenities of neighbouring properties.

Fallback Position

The proposed development must be seen in the context of the fallback position established by the Lawful Development Certificate granted in March last year, application ref 4/00186/16/LDP. This certificate confirmed that clear frameless glazing inserted into the three existing openings would be lawful and would not require planning permission, as the proposals would not constitute development.

Refused Lawful Development Certificate

Following the granting of the Lawful Development Certificate referred to above, a further Lawful Development Certificate application was submitted in July, which proposed an amended glazing scheme. This involved timber framed glazing with timber glazing bars and cill detailing. This application was refused in September 2016 for the following reason:

'It is considered that, on a balance of probabilities, the operations covered by the certificate constitute development which would result in a material impact on the appearance of the building, and, as such, would not be lawful. The works would require planning permission'.

The refusal of this Lawful Development Certificate led to the applicant making the decision to submit a planning application for the same scheme.

Policy and Principle

The site is located within the urban area of Berkhamsted wherein the principle of alterations to commercial and residential buildings is acceptable in principle under Core Strategy Policy CS4.

Impact on Permitted Use of Building

It is acknowledged that the impact of the proposals on the permitted use of the building as a commercial boat yard is an emotive subject with local residents, as evidenced by the objections that have been submitted by a number of local residents and Berkhamsted Citizens Association. Officers are acutely aware of this sensitive issue and have carefully assessed the proposals in this context accordingly. The assessment process has included numerous meetings with both the agent and the applicant as part of a proactive period of negotiation, with a view to ensuring that the proposed works would not prejudice the permitted use of the building. Negotiations have also sought to ensure that the proposals result in the most appropriate and sympathetic scheme possible, given the use of the building, the historic context of the site and the canalside environment.

Both the case officer and the Conservation and Design officer are suitably satisfied that the modest alterations to the building proposed as part of this application will not prejudice the permitted use of the building as a commercial boat yard.

Effects on appearance of building

The scheme has been subject to negotiation with the Council's Conservation and Design team. As a result of the negotiations the scheme has been amended to improve the fenestration, framing and glazing bar details to better reflect the industrial heritage of this canalside site (please see a more detailed analysis below). As a result it is considered that the proposed development would sit comfortably on the canalside elevation of the building and would be sympathetic to the character and appearance of the existing building. As a result the proposals would comply with Core Strategy Policies CS11 and 12.

Impact on the Conservation Area

Core Strategy Policy CS27 states that: *'All development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas.'*

Policy 120 requires new development in conservation areas to be carried out in a manner which preserves or enhances the established character or appearance of the area. In particular to this site, new development should use materials and design details traditional to the area and complement its character and be of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding area. These policy objectives are further supported by guidelines provided in the approved Supplementary Planning Guidance (SPG) Section 7 for development in Conservation Areas.

The canalside environment is identified as a particular area within the Berkhamsted Conservation Area Character Appraisal as part of the Supplementary Planning Guidance. Under section 5.2 of this guidance it is stated that the quality of the canalside residential areas is crucial to the overall value of the conservation area. Enhancement Priorities, at para 5.2.3, are fourfold:- improving the appearance of detail on residential properties; improving the appearance of unmade roads in the area; canalside views of any redevelopment sites; and providing appropriate canal related facilities.

The scheme has been subject to negotiation with the Council's Conservation and Design team. As a result of the negotiations the scheme has been amended to improve the fenestration and framing details to better reflect the industrial heritage of this canalside site. The conservation officer's comments on the amended scheme are set out below:

'The boatyard structure sits adjacent to the canal within the conservation area and there are a number of locally listed buildings nearby. The proposal would be seen within the wider character of the canal side setting.'

'We would have no objection to the principle of glazing the window openings behind the shutters. This would have a limited impact on the character of the canal. We welcome the set back of the windows which would be in keeping with the historic character of canal side buildings and believe that the amended design and materials proposed now reflects the industrial character of canal side buildings. This would be appropriate and in keeping with the conservation area and the character of historic development along the wider non-designated heritage asset of the canal.'

'Recommendation We would not object to the proposals and believe that the amended proposals ensure that the industrial character of the canal site is maintained.'

Given the improvements to the scheme it is considered that the proposed fenestration to be inserted into the existing openings, behind the existing shutters, would have no significant adverse impact on the character or appearance of this part of the Berkhamsted Conservation Area. As such it is considered the proposals are in compliance with Core Strategy Policy CS27 and Saved Local Plan Policy 120.

The proposed development must also be seen in the context of the fallback position established by the Lawful Development Certificate granted last year, application ref 4/00186/16/LDP. This certificate confirmed that clear frameless glazing inserted into the three existing openings would be lawful and would not require planning permission, as the proposals would not constitute development.

Impact on the Canalside Environment

Saved Local Plan Policy 106 states that: *'Development adjoining the Grand Union Canal will be expected to make a positive contribution to the canalside environment. As such, the design, scale and materials of new developments and canalside facilities must be appropriate to the environmental and historic character of the canal, and have no adverse impact on its nature conservation interest. Important views both to and from the canal should be retained.'*

The retention of original canalside buildings and structures, such as locks, bridges, lock cottages and pumphouses, will be encouraged. Development proposals which seriously affect their character and the contribution they make to the canalside environment will be refused.'

As stated above, given the improvements to the scheme it is considered that the proposed fenestration would have no significant adverse impact on the character or appearance of the canalside environment in this part of the Berkhamsted Conservation Area. As such it is considered the proposals are in compliance with Core Strategy Policy CS27 and Saved Local Plan Policy 106.

Impact on Neighbours

The proposals would not result in any significant adverse impact on the residential amenities of the neighbouring properties. The proposals involve the insertion of windows in the three existing openings on the canalside frontage. These windows would be set back behind the existing shutters. They serve a commercial building, and so the 23 metre residential guideline would not apply. However, despite this, they would be located 23 metres away from the rear facing windows on the Station Road properties located on the opposite side of the canal, beyond the towpath.

As stated earlier, the proposed development must also be seen in the context of the fallback position established by the Lawful Development Certificate granted last year, application ref 4/00186/16/LDP. This certificate confirmed that clear frameless glazing inserted into the three existing openings would be lawful and would not require planning permission, as the proposals would not constitute development.

The proposed development would not result in any loss of privacy or overlooking of surrounding residential properties, and would be in compliance with Core Strategy Policies CS11 and CS12.

Conclusions

Both the case officer and the Conservation and Design officer are suitably satisfied that the modest alterations to the building proposed as part of this application will not prejudice the permitted use of the building as a commercial boat yard.

The scheme has been subject to negotiation with the Council's Conservation and Design team. The scheme has been amended to improve the fenestration and frame details to better reflect the industrial heritage of this canalside site. As a result it is considered that the proposed development would sit comfortably on the canalside elevation of the Boathouse and would be sympathetic to the character and appearance of the existing building, the conservation area

and the canalside environment.

As such the proposals would be in compliance with policies CS11, CS12, CS27 of the Core Strategy, together with saved policy 106 of the Local Plan.

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 details of the materials to be used in the construction of the framing and glazing hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development, and in the interests of the visual amenities of the Conservation Area.

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

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

544 07B elevations
749 08
749/14a
749/15a proposed elevations

Informative

The applicant is advised to contact the Canal & River Trusts' works planner, Osi Ivowi, on 01908 302 591 to ensure that the work complies with our 'Code of practice for works affecting the Canal & River Trust'.

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.

**4/03638/15/FUL - CONSTRUCTION OF NEW DWELLING TO THE REAR OF NO'S 7 & 8 HUNTING GATE (FURTHER REVISED SCHEME).
7 HUNTING GATE, HEMEL HEMPSTEAD, HP2 6NX.
APPLICANT: Mr Hopkins.**

[Case Officer - Nigel Gibbs]

Summary

The principle of residential development at the site is acceptable. The plot is commensurate with the established layout/ character of the area. It is of adequate size to accommodate the dwelling, with no design, layout, arboricultural, other environmental/ amenity and highway safety/ access/parking objections. The proposal conforms with the requirements of the NPPF and Policies of the Core Strategy and saved Policies of the Dacorum Borough local Plan. A range of conditions are necessary.

Background: Previous Schemes under this Application

Important Note: It will be noted that this is a 2015 application. This was submitted following the withdrawal of a previous 2015 application for a detached dwelling at the site dealt with by another case officer. The withdrawn scheme was unacceptable and would have been refused.

The originally submitted scheme under 4/03638/15/FUL was accompanied by a comprehensive supporting statement including a specialist tree report.

Since then in accordance with established Article 35 procedures there has been extensive LPA- Agent/ Applicant dialogue. This has involved a range of changes including modifications to the design, layout/ plot size (with changes to the sizes of gardens for the dwelling, nos 7 and 8), the approach to landscaping/ tree planting and access on an incremental basis.

There has been the associated need for the submission of a revised certificate and service of notice on an owner(s) of the land, a requirement to accurately show the correct footprint of no.7 and levels, and not least, the issue of geotechnical issues at the site. There has been where necessary associated reconsultation/consultation with technical consultees and additional neighbour notification.

Under Article 35 procedures it is now appropriate to report the application to the Development Control Committee. Earlier schemes remained problematical. The report focuses upon the current scheme rather than superseded proposals as this is what the DCC should consider and upon which to make its decision.

Site Description

Hunting Gate is an established residential area linked to Aycliffe Drive which is Grovehill's main spine road.

Nos. 5, 6 7, and 8 are located on the southern side of Hunting Gate forming an enclave of two storey dwellinghouses served by a communal access opposite the local school.

Nos 7 and 8 are located on the western side of this enclave. These dwellings and their rear gardens are elevated above and adjoin the wooded subway/public footpath link serving the locality, with associated retaining walls/embankment and boundary fencing.

Nos 7 and 8 have both been extended. No.7 also features a detached outbuilding in its rear garden. It is understood that No. 7's original garden sloped/fell away from the rear of the house, this having now been raised. The trees forming part of the subway/footpath include an Oak, very large Larch and Willow, all of which are to be retained.

Proposal

This involves amalgamating parts of the rear gardens of nos. 7 and 8 to form a house plot. The Applicant is the owner of no. 7 with notice served on no.8.

The scheme is for a two storey hipped roof detached 4 bedroom dwellinghouse incorporating a basement. It will be served by a new access off Hunting Gate linked to a driveway/turning area and 4 parking spaces. A sycamore tree is to be removed to enable the formation of the access.

The dwelling will be set back from the site's frontage incorporating front and rear gardens, with its western flank lying parallel with, close to and elevated above the subway/footpath embankment. Conifer trees are to be removed along the western boundary.

Nos 7 and 8 will be served by reduced rear gardens to accommodate the dwelling.

Referral to Committee

The application is referred to Committee as it has been called in by Councillor Alexander Bhinder for the following reasons:

"I have met up with residents of Hunting Gate and I do feel that I should call in the above application. My reasons for doing so are as before." (*see representations below*). I have concerns over the road, the school, increased traffic at peak times and I guess that generally, these would come under the heading of overcrowding. I am just one councillor who receives complaints about the congestion around schools and the confrontations it leads to. I feel that any development so close to a school entrance and especially in a narrow 'estate' road should be considered very carefully."

Relevant Planning History

4/03638/15/FUL CONSTRUCTION OF NEW DWELLING TO THE REAR OF NO'S 7 & 8
HUNTING GATE (FURTHER REVISED SCHEME)

4/01446/15/FUL CONSTRUCTION OF ONE NEW DWELLING BY REDUCING CURRENT
GARDEN SIZE.
Withdrawn
30/06/2015

4/01648/07/FHA BOUNDARY FENCES
Refused
31/08/2007

4/01365/07/DRC DETAILS OF REPLACEMENT TREE AS REQUIRED BY CONDITION 2
OF PLANNING PERMISSION 4/02468/06 (TWO STOREY SIDE/REAR
EXTENSION AND TWO STOREY EXTENSION)
Granted
01/08/2007

4/00610/07/DRC DETAILS OF REPLACEMENT TREE PLANTING REQUIRED BY
CONDITION 5 OF PLANNING PERMISSION 4/02468/06 (TWO STOREY

SIDE/REAR EXTENSION AND TWO STOREY EXTENSION)
Refused
12/06/2007

4/02468/06/FHA TWO STOREY SIDE/REAR EXTENSION AND TWO STOREY
EXTENSION
Granted
19/02/2007

4/01055/06/FHA TWO STOREY SIDE AND REAR EXTENSION AND ATTACHED SINGLE
STOREY EXTENSION INCORPORATING SWIMMING POOL
Refused
07/07/2006

4/00777/06/TPO FELL OAK TREE
Granted
31/05/2006

4/01530/95/4 SINGLE AND TWO STOREY EXTENSION
Granted
05/02/1996

Withdrawn Application 4/01446/15/FUL

The Agent's supporting statement for Application 4/03638/15/FUL notes the withdrawn application 4/01446/15/FUL drawing on the following conclusions:

- The house was redesigned during the application in order to maintain a more uniform design to the surrounding area.
- Despite the overall scheme falling within the criteria of daylighting under the BRE guidelines it was felt that the overall dimensions were detrimental to houses 7 and 8 Hunting Gate (the applicants).
- The overall concept of the house within the rear gardens was acceptable but we should look to reducing the overall scale of the project by moving the bulk of the first floor structure over the garage to the west of the site.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance

Dacorum Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS3 - Managing Selected Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport

CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS19 - Affordable Housing
CS26 - Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Qua

Dacorum Borough Local Plan

Saved Policies 10, 12, 13, 51, 54, 58, 61, 62, 63, 99, 100 and 113
Saved Appendices 3, 5 and 8

Supplementary Planning Guidance

Environmental Guidelines
Development in Residential Areas: HCA 32: Grovehill
Environmental Guidelines
Accessibility Zones for the Application of Parking Standards
Water Efficiency and Sustainable Drainage
Advice Note on Achieving Sustainable Development through Sustainability Statements

Constraints

Residential Area in Hemel
Air Direction Limit
Tree Preservation Order
Community Infrastructure Levy Zone 3

Representations

(Please Note: For technical consultations a combination of those received for the Current Scheme and previous proposals are provided)

Councillor Alexander Bhinder

Current Scheme

I have met up with residents of Hunting Gate and I do feel that I should call in the above application. My reasons for doing so are as before. I have concerns over the road, the school, increased traffic at peak times and I guess that generally, these would come under the heading of overcrowding.

I am just one councillor who receives complaints about the congestion around schools and the confrontations it leads to. I feel that any development so close to a school entrance and especially in a narrow 'estate' road should be considered very carefully.

Earlier Scheme: 15/12/2015

Please note my reasons to request that this application be considered by the Development Control Committee:

Despite the reports from Hertfordshire Highways and Hertfordshire Fire & Rescue Service, I have concerns regarding parking and access at the top of Hunting Gate, especially at school opening and closing times.

As a local resident, I am more than aware of the difficult situation that occurs in and around Hunting Gate between 8:30 and 9:00 in the morning and 3:00 to 4:00 in the afternoon, between Monday and Friday. I have had reports of confrontations between parents collecting their children and residents, abuse and even fights. I feel that any change to the top end of Hunting Gate will only exacerbate the situation.

Please be aware that we are already dealing with a recent incident in Grovehill which involved residents of one nearby road telling an ambulance crew that they will have to “go the other way ‘round” as they were attending an emergency call and were unable to access the address in question due to residents’ parked cars.

There are concerns regarding some of the technical aspects of this application. My understanding is that a basement is being proposed. I have as yet, not seen any soil mechanics analysis, geo-physics data or similar. It was not too long ago that we witnessed the sink hole on Wood Lane End, only about 2km away. I feel that I as well as residents will need considerable reassurance for basement construction to be seriously considered.

I have not been made aware of any safeguards that will be put in place during the construction, so as to protect pedestrians using the subway.

Following on from the above point 3 (sic) , I am again questioning the absence of any geo-physics data pertaining to a boundary wall.

Building Control

Based upon the advice at the site meeting involving the Building Control Officer, Trees & Woodlands Manager, Agent and Case Officer there are no fundamental objections taking into account access for fire and the expected approach to construction with the formation of a basement.

Trees and Woodlands

Based upon the advice at the above site meeting there are no objections.

Noise & Pollution

No objections or comments and would not wish to impose any conditions on this development.

Scientific Officer

No comments to make in respect of contamination.

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:

Conditions

1) Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a

- height of 0.6m and 2m above the carriageway. Reason: In the interest of highway safety.
- 2) Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossover, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway. Reason: In the interest of highway safety.
- 3) The proposed parking spaces shall all have measurements of at least 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be 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.
- 4) The development shall not begin until details of the disposal of surface water from the parking area have been submitted and approved in writing by the Local Planning Authority. Reason: To minimise danger, obstruction and inconvenience to highway users.
- 5) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway. Reason: In the interest of highway safety and free and safe flow of traffic.
- 6) Prior to commencement of development full details of the construction of (ANY) retaining wall associated with construction of the dwelling, including any necessary Approval In Principle certification issued in accordance with the requirements of the Department for Transport's DMRB Standard BD 2/12: Technical Approval of Highway Structures, shall be submitted to and approved in writing by the local authority. Reason: In the interests of public safety to ensure that construction of the development hereby permitted does not affect the stability of the public highway and in particular the adjacent subway.

Advisory Notes

- 1) Highway structural considerations. The applicant is advised that in order to comply with Condition 6 of this response it will be necessary for the developer of the site to contact the Hertfordshire County Council Bridge Asset Manager in connection with the requirements of Department for Transport Standard BD 2/12: Technical Approval of Highway Structures. Further details can be obtained from the Highway Authority. The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-
- 2) The highway authority requires the new vehicle cross-over to be aligned to serve the new access drive. All works must be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact <http://www.hertfordshire.gov.uk/services/transtreets/highways> or telephone 0300 1234047 for further instruction.
- 3) The developer will supply the LPA a written Construction Management Plan for approval. The plan will detail how deliveries associated with the works, contractors parking and the prevention of mud etc. from being deposited onto the highway is managed and documented as a process to follow. The CMP will also state hours/ days of work and agree routing for large vehicles including plant.
- 4) 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.hertfordshire.gov.uk/services/transtreets/highways> or by telephoning 0300 1234047.
- 5) 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.

- 6) 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.
- 7) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways> or by telephoning 0300 1234047.
- 8) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways> / or by telephoning 0300 1234047
- 9) The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

Highway Comment

This application is to develop the parcel of land to the rear of both 7 and 8 Hunting Gate, Grovehill, Hemel Hempstead. This application is for one detached dwelling with three off street parking spaces. Access to the proposed site is again shown to be off Hunting Gate. This will be for both vehicular and pedestrian and takes the form of a simple vehicle crossover.

There are some minor highway concerns over the lack of detail on construction methods and how this development will impact on the adjacent highway during the development. This is particular so of the adjacent subway. However, if the LPA are minded to grant planning permission they should give due consideration to all the conditions above and in particular condition 6 which concerns the adjacent subway.

The Design and Access statement does not have a dedicated section covering Construction Methodology but the third informative note (3) above looks at this important matter and asks that the applicant supply such information in more detail to the LPA.

The above conditions and informatives are therefore required to make sure that this development is achieved with as little if any disruption or obstruction of the public highway as far as reasonably practical.

Hertfordshire Ecology

HE has no ecological information on the application site although bats have been recorded in the general area. However, HE has no reason to believe the proposals will impact upon any significant ecological interest. It is noted that a large sycamore will be 'replaced' by an oak tree – this will provide some compensation in the longer term if successful and hopefully contribute to a north-south link through the site.

Consequently HE does not consider ecology will provide a constraint on the proposals or amendments to it.

The adjacent tree line to the south should, however, be protected from any adverse impacts given it provides a locally valuable wildlife habitat and corridor.

Hertfordshire Constabulary: Secure By Design

Physical Security – ADQ and SBD:

Building Regulation, Approved Document Q (ADQ) requires that dwellings are built to "Prevent Unauthorised Access". This applies to any "dwelling and any part of a building from which access can be gained to a flat within the building". Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. Further details are available from Hertfordshire Police Crime Prevention Design Advisors. HC would obviously be keen to see any development built to the physical security standards of Secured by Design which is the police approved minimum security standard, as this will reduce the potential for burglary by 50% to 75% and therefore demand on the Police as well as achieving ADQ.

Otherwise HC is content.

Hertfordshire Fire & Rescue Service

HFRS has 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 HFRS receive details of the Building Regulations application.

Thames Water

Waste Comments

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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Sewerage infrastructure capacity. No objection.

Water supply.

This is within the area covered by the Affinity Water Company.

Affinity Water

No responses.

NATS Air Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains the LPA's responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Response to Neighbour Notification

(Important Note: The Addendum will include representations received with respect to the previous applications)

9 Hunting Gate

However many times these plans are amended our opposition remains the same, as nothing but a refusal will stop our concerns about the traffic situation.

This will be our third time of objecting and no matter how many times these plans are revised, it doesn't help with our main problem of the traffic that use Hunting Gate as access to Aycliffe Drive school. Where the proposed dropped kerb for this property is means that staff etc. that park on this stretch of road will be forced further down Hunting Gate causing more congestion and parking on people's property than we experience now. Also another concern is the proposed basement, the property will be adjacent to a subway used by the school children and has a retaining wall and any disturbance could render this unsafe. So as stated we strongly object to these plans.

Resident of Hunting Gate

Again I write to you regarding planning number above.

I have lost count of how many times there has been an amendment to the scheme, surely common sense must be used here! Our road, will not take any more congestion, it will not take another entrance, it will not take spaces being taken away! Children's lives will be put at risk and there will be even more issues between members of the public and residents

This scheme is utter madness, this needs to be concluded and not passed, letting the mostly retired people of Hunting Gate get on with their lives and not have this hanging over them.

Note: The writer was very recently spoken to very aggressively when someone parked across writer's drive way and the writer politely asked them to move.

73 Hunting Gate

I did submit a comment when the first application for this infill project was submitted , although I did not receive any acknowledgement.

My main objection is in keeping with other residents of Hunting Gate and that is regarding the impact on existing traffic control matters.

Like most properties located near a school we must suffer the regular problems in the road during the daily School Run periods. This is particularly difficult due to Hunting Gate being a no through road. In Addition, it is apparent that due to the limited parking available within the School grounds, members of staff are increasingly having to park in the road. This development access provision will further limit available room in the road.

It is noticed that the latest plan reduces the footprint of the proposed structure and increases the remaining space for 7 Hunting Gate. The plan now showing the provision of a basement. Is the clay substrate suitable for a basement?

When I purchased 73 Hunting Gate in 1978, there was a delay because the Councils Building Inspectors insisted that the footing be doubled to compensate for unstable clay surface resulting in a slight delay with construction. During the 1990s our neighbours in 74 Hunting Gate suffered subsidence of two extensions erected by the previous tenants. Rebuilding required increased footings for one extension and even piles inserted to support the other.

I am not a Structural Engineer, but I would suggest that matters I have outlined should be considered before granting planning that includes a basement on the site adjacent to number 7/8 Hunting Gate.

Considerations

The main issues are:

- The principle,
- The layout/design,
- Highway/access issues, and
- Land stability.

Policy and Principle

The site is located within the urban area of Hemel Hempstead wherein the principle of residential development is acceptable.

As confirmed above before the previous application's withdrawal the principle of accommodating a dwelling at the site was assessed as acceptable despite the expectations of Policy Statement for HCA32 (see below). This principle support is therefore the fundamental starting point.

For clarification the Policy Statement for HCA32 addressing the Scope for Residential Development specifies that this is an Opportunity Area. This is where there is scope for new development with the focus upon maintaining the defined character whilst allowing for selective redevelopment. Notwithstanding this it explains that Plot Amalgamation will not normally be permitted in HCA32 clarifying that opportunities are very limited and possibly non-existent.

HCA 32's Development Principles

These are:

- Housing

Design: No special requirements, although where infilling is proposed, new buildings must follow the architectural proportions, style, colour and details of adjacent development.

Type: Terraced dwellings are encouraged, but new development should respect the form, scale and type of adjacent and nearby buildings.

Height: Should not normally exceed two storeys, although three storey development may be acceptable in some parts, depending on the scale and height of nearby and adjacent development.

Size: Small to moderately sized dwellings are encouraged.

Layout: Maintain existing layout structure. Informal groupings of buildings are acceptable, although where there is a prevalent building line, this should be followed. Spacing should be provided in the medium range (2 m to 5 m). Proposals for redevelopment should include provision of a structured element of amenity land.

Density: High density development in the range of 35 to 50 dwellings/ha (net) is generally acceptable, although the density of development schemes should be commensurate with that of nearby and adjacent development.

- Amenity

Amenity land: To be retained. The loss of areas of amenity land to built development or their inclusion within private domestic curtilages will only be permitted where it can be clearly demonstrated that the proposal will not result in the loss of large areas of amenity land or smaller areas making a positive contribution to the character and appearance of the area and its amenities.

Front gardens and forecourts: Front garden areas should be provided at a size, depth and layout common to that of nearby and adjacent development.

Landscaping and planting: New development schemes will be expected to include provision for additional structural landscaping.

Views and vistas: Public views across Margaret Lloyd Park and Howe Grove should be maintained.

Landmarks and focal points: The local centre at Henry Wells Square is to be Retained

- Traffic

On-street parking: No special requirements, although adequate provision for offstreet parking should be made.

Off-street parking: May be provided by either on-site spaces, in communal areas or garage blocks.

Through routes and flows: Traffic flows should be directed to the area's distributor roads - Aycliffe Drive, Washington Avenue and St Agnells Lane.

Site Layout/ Plot Arrangement

As confirmed despite the withdrawal of the previous application the principle of accommodating a dwelling at the site was acceptable. This was with due regard to the site's relationship with the long established layout emphasising the need for the maintenance of a 2-5m separation to accord with the Grovehill HCA with at least 11.5m from the building line of no.7.

The layout will provide a substantial rear garden for the proposed dwelling with truncated

usable retained rear gardens for nos 7 and 8, albeit slightly less than the expected 11.5 minimum depth. There would not be a case to refuse the application based upon the reduced depths. There remains adequate spacing- the relationship would not be cramped.

Design/ Impact upon the Street Scene/ Landscaping

The building will have very limited impact upon the Hunting Gate street scene. This is due to its significantly recessed position. However due to the building's massing / height, closeness to and elevated position in relation to the subway there will be visual intrusion. This intrusion is not ideal as compared to the effect of a lower profile building.

Based upon the site meeting involving the Building Control Officer, the Trees & Woodlands Manager and the Case Officer, the TWM raises no objections to the loss of the trees and proposal's relationship with the retained trees. This includes the continued coexistence of the site with the Oak, very high Larch and Willow along the western boundary adjoining the subway footpath. A planting scheme is recommended to compensate and to replace the preserved tree previously approved for removal and yet to be planted.

Impact upon Residential Amenity

This is in the context of Dacorum Core Strategy Policy CS12 and the NPPF's paragraph 133.

The withdrawn application was unacceptable due to the harmful implications for nos 7 and 8.

There is adequate separation between the dwelling with nos 7 and 8 in terms of physical impact, the receipt of day/ sunlight, privacy and the size of the retained gardens for nos 7 and 8.

There will be no harm to any other nearby dwellinghouses.

Highway Safety (Vehicle/ Pedestrian), Traffic Generation, Access and Parking

There are no objections. This is with due regard to the advice Hertfordshire County Council Highways, Building Control and Hertfordshire Fire & Rescue Service.

The provision of the new access onto Hunting Gate is acceptable based upon HCC Highways expert response. This takes into account its relationship with the subway, existing accesses on Hunting Gate and to the School opposite. The updated plans show the reversing splays on both sides with the need for the permanent removal of boundary fencing and the walls. This change has not been subject to public consultation. There are no HCC Highway objections based upon traffic generation with the parking/ turning layout enabling exit and entry in forward gear with acceptable sight lines. The provision of 4 parking spaces is acceptable.

Hertfordshire Fire & Rescue Service and Building Control are satisfied with the fire access. The design approach focussed upon a disabled /inclusive approach. Parking is accommodated with full opportunities for refuse storage.

Relationship with the Subway: Geotechnical Issues / Land Stability. See below.

Land Stability, Contamination and Drainage

Land Stability. This is a very significant issue. Safety is paramount in the public interest. The associated issues include reference to the site's relationship with the lower subway and its retaining walls/associated drainage, no knowledge of the prevailing geotechnical relationship between the site and the immediate area or its past (including original/new levels/loading etc), no submitted assessment of the impact of the development with reference to 'original and new' geotechnical conditions including levels and 'original/new geology/soil mechanics, the reported

artificial raising of the land within the garden of no.7 with new material, the knowledge of subsidence in the locality, the effects of removal of trees at the site, the formation of the basement, the need to address drainage (soakaways etc) and fundamentally HCC Highway's expert advice regarding this key issue.

A detailed geotechnical assessment at this stage would be ideal to fully understand the implications. The Agent has confirmed orally that there would significant cost implications at this stage for the LPA to require such a study. In the absence of the study the imposition of a pre commencement condition is an agreed safe alternative. The submitted technical report would have to prove unequivocally that there are no known inbuilt geotechnical problems now and in the future in constructing the development with a comprehensive geotechnical engineering method statement.

As confirmed by the NPPF the onus is with the Developer to address 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.

Drainage. Both foul and sustainable surface water drainage should be subject to a condition.

Contamination. Clarification is being sought from the Scientific Officer regarding any implications of the raising of the garden land levels at the site.

Ecological Implications/ Biodiversity

The loss of trees is disappointing but not objected to by the Trees & Woodlands Manager. New planting will provide biodiversity benefits.

Crime Prevention/ Security

The layout features inbuilt natural surveillance. The rear fencing will be important given it adjoins open land.

Exterior Lighting/ Light Pollution/ Visual Impact at Night

A condition is recommended given the relative closeness to the adjoining houses and the need to safeguard highway safety.

Sustainable Construction

The initial submitted supporting statement confirms the overall approach:

- Creating a sealed building through robust details and whole building air supply system with heat exchanger to avoid unnecessary heat loss. Through the New Build Warranty, the building will be pressure tested on completion to ensure the goals set have been achieved and that the lifetime carbon footprint is radically reduced.
- All elements of the building shell will benefit high levels of insulation. The building perimeter/area has been improved by creating a deeper cross section. The resulting internal circulation spaces have been further improved by naturally lighting these areas through sky lights to avoid overuse of 'travel lighting'.
- The client and the proposed contractor are keen to exploit the rich availability of local materials in realizing this project thus reducing the Carbon Footprint of the building construction.
- Orientation of the building and location of living areas, maintains a high level of glazing onto the southern side and very little to the North thus maximizing natural light and winter heat gains whilst avoiding unnecessary heat loss.

Environmental Impact Assessment

This is not necessary.

Air Safeguarding

NATS raises no objections.

Community Infrastructure Levy

There is a required payment.

Conclusions

The site's development was locally controversial with the withdrawal of the first application, a position reinforced by recent consultations with major concerns locally regarding highway safety. At the outset of the withdrawn application however, there were no highway objections to the provision of an access to serve the plot nor to the principle of the land's development.

The LPA's approach to the withdrawn application formed the basis of the Agent resubmitting an application for a dwelling at the site.

A smaller scale development would have reduced the observed visual intrusion and have less effect upon the residential amenity of nos 7 and 8. However based upon its individual merits there are no objections to the current application with due weight to the responses of the technical consultees. Most fundamentally this is subject to the need for the submission of a full geotechnical report through the imposition of a condition.

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 details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: In the interests of safeguarding the street scene in accordance with Policy CS12 of Dacorum Core Strategy.

- 3 Before the first occupation of the dwelling house hereby permitted the 4 parking spaces and turning area shown by the approved layout Drawing No. 1122SK101G shall be provided fully in accordance with this layout plan. Thereafter all 4 spaces shall be retained at all times and shall be only used for their respective approved vehicular parking and turning purposes.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle

parking and turning in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy and Policies 54, 58 and 63 of the saved Dacorum Borough Local Plan.

- 4 **The dwelling house hereby permitted shall not be brought into use until the vehicular access shown by Drawing No. 1122SK101G has been constructed. The access shall be provided at all times with pedestrian visibility splays of 2m by 2m at each side as measured from the back edge of the public footpath within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of Dacorum Core Strategy and Policy 54 of the saved Dacorum Borough Local Plan.

- 5 **The access subject to Condition 4 shall be provided at all times with vehicular visibility splays of 2.4m x 43m in both directions from the access, as measured from the edge of the carriageway towards the site frontage. Within both visibility splays there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of Dacorum Core Strategy and Policy 54 of the saved Dacorum Borough Local Plan.

- 6 **Prior to commencement of development hereby permitted a full geotechnical study shall be submitted to the local planning and highway authorities showing the following:**

(a) Geotechnical survey/ land stability/ study of the site, nos 7 and 8 Hunting Gate and the adjoining land including that associated with the subway footpath, This shall show the natural geology and drainage, any artificial changes resulting from the residential development in the locality and material used for changes to the original garden, artificial drainage, water supply features and an assessment of any land stability at the site and the adjoining area and the implications of any previous remedial works.

(b) The implications of the approved removal of trees and those previously removed at the site and how the retained trees will be protected during the construction period.

(c) A comprehensive construction/ engineering method statement with reference to loadings, foundation design, levels, boundary treatment, any necessary remedial works, the basement, the site geology, existing/ removed/ proposed trees, natural and proposed drainage, all other services, the relationship with the embankment/ footpath, road and with nos 7 and 8 Hunting Gate and the effects of any additional future development carried out at nos 7 and 8 and the application site under 'permitted development'. The approach shall confirm how the development will be designed to address any existing and envisaged future land stability issues at the site and within the locality.

The development shall be carried out fully in accordance with the approved construction/ engineering method statement.

Reason: In the interests of public safety in accordance with the National Planning Policy Framework paragraphs, taking into account issues of land stability including the closeness of the public highway and in particular the adjacent subway.

- 7 **In association with the requirements of Condition 6 no development shall commence until details of the proposed slab, finished floor and ridge levels (with full cross sections) of the dwelling house in relation to the existing and**

proposed levels of the site and the surrounding land (including the embankment and subway and the retained gardens of nos 7 and 8 Hunting Gate) shall have been submitted to and approved in writing by the local planning authority. The dwelling house shall be constructed in accordance with the approved levels.

Reason: In the interests of the appearance of the development in relation to its surroundings, the residential amenity of the locality and public safety as referred to by Condition 6.

- 8 The dwelling house hereby permitted shall not be occupied until the boundary fencing separating its garden from the surrounding area, including the retained gardens of nos 7 and 8 Hunting Gate, is installed fully in accordance with a scheme an approved scheme. Thereafter the boundary fencing shall be retained at all times.**

Reason: In the interests of the residential amenity of nos 7 and 8 Hunting Gate and the dwelling house hereby permitted in accordance with Policy CS12 of Dacorum Core Strategy.

- 9 Trees shall be planted in accordance with an approved landscaping scheme within the rear garden of the dwelling house hereby permitted within the planting season following the first occupation of the dwelling house hereby permitted. If the trees 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 section of equivalent hedge or shrub of a species, size and maturity to be approved by the local planning authority. For the purposes of this condition the planting season is from 1 October to 31 March.**

Reason: In the interests of the visual amenity and biodiversity in accordance with Policies CS12 and CS29 of Dacorum Core Strategy.

- 10 Prior to the commencement of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with the expectations of Condition 6 and 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.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following Classes of the Order shall be carried out without the prior written approval of the local planning authority within the residential curtilage of the dwelling house hereby permitted and the existing dwellinghouses at nos 7 and 8 Hunting Gate :**

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

Reason To enable the local planning authority to retain control over the development in the interests of safeguarding the residential environment, public safety in terms of

land stability and ensuring that there is the correct balance between the amount of development and land retained for the gardens at nos 7 and 8 Hunting Gate in accordance with Dacorum Core Strategy Policy CBS 12 , saved Appendix 3 of the Dacorum Borough Local Plan.

- 12 **Before the occupation of the dwelling house hereby permitted an exterior lighting scheme shall be submitted to the local planning authority. The approved exterior lighting scheme shall be installed and thereafter retained and maintained fully in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: To safeguard the local environment in accordance with accord with the requirements of Policies CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 13 **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:**

- **Details of wheel cleaning facilities for construction vehicles to prevent mud etc from being deposited onto the highway.**
- **The management of all deliveries to the site.**
- **Construction Traffic Management Plan and Access Route (s) including the routing for large vehicles including plant.**
- **A scheme for Contractors parking.**

The scheme shall be implemented throughout the construction period in accordance with the approved details.

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

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

1122SK101G

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

NOTE 1: ARTICLE 35 STATEMENT

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

INFORMATIVES

Bats

With reference to the removal of trees and demolition of the outbuilding:

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).

Contacts:

English Nature 01206 796666
UK Bat Helpline 0845 1300 228 (www.bats.org.uk)
Herts & Middlesex Bat Group 01992 581442

Drainage

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

Water Supply

Affinity Water Company at The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333 should be consulted by the Developer.

Construction Management Plan

Hertfordshire County Council Highways has advised that all areas for storage and delivery 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 use of the public highway. This is in the interest of highway safety and free and safe flow of traffic.

The developer will supply the LPA a written Construction Management Plan for approval. The plan will detail how deliveries associated with the works, contractors parking and the prevention of mud etc from being deposited onto the highway is managed and documented as a process to follow. The CMP will also state hours/ days of work and agree routing for large vehicles including plant. Storage of materials

Land Stability and Highway Safety

Hertfordshire County Council Highways has advised that prior to the commencement of development full details of the construction of any retaining wall associated with construction of the dwelling, including any necessary Approval In Principle certification issued in accordance with the requirements of the Department for Transport's DMRB Standard BD 2/12: Technical Approval of Highway Structures, must be submitted to and approved in writing by the local authority. This is in the interests of public safety to ensure that construction of the development hereby permitted does not affect the stability of the public highway and in particular

the adjacent subway.

Highway structural considerations. The applicant is advised that in order to comply with above requirements it will be necessary for the developer of the site to contact the Hertfordshire County Council Bridge Asset Manager in connection with the requirements of Department for Transport Standard BD 2/12: Technical Approval of Highway Structures. Further details can be obtained from the Highway Authority at County Hall, Pegs Lane, Hertford, Herts, SG13 8DN (Telephone: 0300 1234047).

Provision of the Vehicular Crossover

Hertfordshire Highways as the Highway Authority requires the new vehicle cross-over to be aligned to serve the new access drive. All works must be carried out by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction.

Storage of materials

Hertfordshire Highways as the Highway Authority has 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.

Obstruction of the highway

Hertfordshire County Council has advised that 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. Mud on highway

Road Deposits

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

Construction standards for the new vehicle access

Hertfordshire County Council Highways has advised that where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway

Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Construction standards for works within the highway

Hertfordshire County Council Highways has confirmed that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047

Rights of Way

Hertfordshire County Council has advised that the Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times.

The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

Secure By Design

Hertfordshire Constabulary recommends that the developer seeks Secured by Design certification to this standard when the dwelling house is built.

Item 5d

4/00036/17/FHA – CONVERSION OF LOFT SPACE TO BEDROOM AND EN-SUITE, RAISING THE ROOF FROM HIP TO GABLE. PROVISION OF DORMERS TO FRONT AND REAR.

9 DELLFIELD AVENUE, BERKHAMSTED, HP4 1DX



**4/00036/17/FHA - CONVERSION OF LOFT SPACE TO BEDROOM AND EN-SUITE,
RAISING THE ROOF FROM HIP TO GABLE. PROVISION OF DORMERS TO FRONT AND
REAR..**

9 DELLFIELD AVENUE, BERKHAMSTED, HP4 1DX.

APPLICANT: MR & MRS PARRY.

[Case Officer - Elspeth Palmer]

Summary

The application is recommended for approval. There would be no harm to the appearance of the building or the street scene. A condition will be placed on the new window in the side elevation of the gable roof to ensure that there will be no overlooking of the adjoining property.

Site Description

The site lies on the western side of Dellfield Avenue close to the intersection with Egerton Road and is located within the residential area of Berkhamsted BCA14: Chiltern Park. The site comprises a two storey semi-detached dwelling located towards the front of the site with a detached garage along the side rear boundary with No. 7. The garage is accessed via a driveway along the side of the dwelling. The site slopes down from west to east.

Proposal

The proposal is for conversion of loft space to bedroom and en-suite, raising the roof from hip to gable and provision of dormers to front and rear.

Amended plans were requested and submitted showing smaller dormer windows to both front and rear roof slopes.

Referral to Committee

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

Planning History

4/03121/16/FHA

SINGLE STOREY SIDE AND REAR EXTENSIONS. CONVERSION OF GARAGE TO STUDY AND STORAGE AREAS. LIVING ROOM WINDOW CHANGED TO BOW WINDOW

Granted

20/01/2017

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

CS4 - The Towns and Large Villages

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policy 13
Appendix 3

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area BCA14: Chiltern Park

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Berkhamsted Town Council

Original Plans

Objection

The proposed dormer windows, to the front and rear would overpower the structure making the proposals an overdevelopment and out of keeping with the street scene. CS11; CS12.

Amended Plans

Objection

The proposed dormer windows, to the front and rear would overpower the structure making the proposals an overdevelopment of the site which is out of keeping with the street scene. CS11; CS12.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

45 Egerton Road - Supports:

I live in an adjacent road and am able to see this property from my front window. Adding front and rear dormers is a common development in our area and is completely in-keeping with the look of the houses in our streets. We have both front and rear dormers in our house from a conversion that was done in 1968 and subsequently extended at the rear in 2015/16. Our neighbours at 47 Egerton Road also have them as do others in our road such as the house directly opposite us, which has full length dormers at both the front and rear. There are properties closer to the applicant than us which also have dormers.

Given the house price inflation that this part of the country has experienced I believe that making more use of the current space available in a property can become the only an alternative to moving to a larger home. Modern families need more space and this is a great way of giving both the adults and children in a home enough room for a happy life.

I fully support this application.

Archaeology Unit

In this instance, I consider the proposal, given its nature, is unlikely to have an impact on heritage assets of archaeological interest. I therefore have no comment to make on the application.

Considerations

Policy and Principle

The site is situated within the town of Berkhamsted wherein residential development is acceptable in accordance with Policy CS4 of the Core Strategy.

The main issues in this case relate to the impact of the development on the appearance of the building and street scene and residential amenities. Policies CS10,11,12 and 13 are relevant.

Effects on appearance of building

There are no special requirements for extensions to dwellings in BCA:14 Chiltern Park.

The proposal will be in character with the existing building in terms of scale, design, and materials. The attached neighbour has a similar rear dormer window slightly smaller in size. The attached neighbour already has a gable end roof and a single storey side extension with gable end.

The proposal would accord with Policy CS12.

Impact on Street Scene

The rear dormer will not be visible in the street scene.

The front dormer will be visible but will not project forward in a way that dominates in the street scene.

There are no other dormers on front roof slopes along Dellfield Avenue but there are some on Egerton Road close to the intersection with Dellfield Avenue and thus they are part of the general street scene in this part of Dellfield Avenue. The proposed front dormer was reduced in size to match the scale, location and bulk of those nearby.

The proposal will not have a detrimental impact on the character of the area.

The change in roof shape from hipped to gable will also be in character with the street scene as there are many other examples of dwellings with gable ends both on Dellfield Avenue and Egerton Road.

The proposal would comply with Policies CS11 and 12.

Impact on Neighbours

The proposal will not result in a loss of sunlight and daylight or be overbearing for either of the neighbours.

There will be no loss of privacy as a result of the dormers as they face either the back garden or

the road. A new side window is proposed in the eastern side elevation of the development but this will be non-opening and obscure glazed.

The development complies with CS 11 and 12.

Impact on Trees and Landscaping

There are no significant trees in proximity to the proposal.

Impact on Highway Safety

The proposal will not change the parking provision and will not increase the number of bedrooms.

Community Infrastructure Levy (CIL)

Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is not CIL liable due to resulting in less than 100m² of additional floor space.

Sustainable Design and Construction

Policy CS29 requires a number of criteria to be satisfied for all new development. However, the amended Advice Note does not apply this to householder development.

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

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

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

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development and to comply with CS 11 and 12.

- 3 The window in the new gable end of the roof in the southern side elevation of the development hereby permitted shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents and to comply with CS 11 and 12.

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

**location plan
cil**

**existing and proposed elevations 1632/02A
sustainability statement**

Reason: For the avoidance of doubt and in the interests of proper planning and to comply with CS 11 and 12.

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.

Item 5e

4/02911/16/FUL – PROPOSED OAK-FRAMED BARN TO REPLACE EXISTING BUILDINGS (AMENDED SCHEME).

LONG LANE FARM, LONG LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NE



**4/02911/16/FUL - PROPOSED OAK-FRAMED BARN TO REPLACE EXISTING BUILDINGS (AMENDED SCHEME).
LONG LANE FARM, LONG LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NE.
APPLICANT: Mr Hunt.**

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

The site is within the Green Belt. The use of the building for equestrian hobby purposes is an appropriate use in the Green Belt. Due to the size of the replacement building at 38% over the existing (8% over original buildings at the site) and the overall height of the building the proposal would represent inappropriate development in the Green Belt. There is however, a very real need for this entirely hobby based use to replace the existing immediate post 1945 buildings which cannot be refurbished, due to being beyond repair. The building's design is of high quality with the pitch and resultant height necessary to facilitate the use of clay peg tiles. There will be limited impact upon the openness of this part of the Green Belt. There is no other harm.

It is considered that such amounts to very special circumstances to outweigh the harm through the provision of what is essentially a modern enlarged replacement for the existing unusable buildings.

Site Description

Long Lane Farm is located on the south eastern side of Long Lane to the south west of the junction with Water Lane and Bovington Green. The site features a long established dwelling closely fronting the road and an elongated access to the farmyard behind featuring a range of old and modern buildings serving the animal livestock agricultural unit.

There are a cluster of very dilapidated buildings within the northern corner of the farmyard. These adjoin the rear gardens of the farmhouse and nos 1, 3 and 5 Long Lane Cottages to the immediate north-west with a dividing hedge.

The supporting statement has confirmed that these structures were originally a piggery, ceasing in about 1975. Since then the buildings have been used as stables but were becoming increasingly dilapidated until experiencing extreme storm damage in 2013. The statement confirms 'the resultant debris have been cleared but the remaining buildings have little practical use as the roof areas leak and the walls have become unstable'. The agent has confirmed the structures 'can be accurately described as redundant agricultural buildings'. The storm damaged buildings were 41 square metres.

Proposal

This is for the construction of a replacement timber clad clay tile steep pitched roof gable roof featuring a brick plinth, false upper loading door and no first floor. It will be located on the site / footprint of some of the very longstanding existing buildings and on the abutting land adjoining the north eastern boundary.

The 'L' shaped building will be 202 square metres with a maximum height of 8m. The eaves will be 1.5m high closest to the boundary with Long Lane Cottages. The Agent has confirmed that there will be 146 sqm of demolished buildings with 41 sqm previously demolished storm damaged buildings.

The building will accommodate 2 horse carriage bays, feed and hay stores, tack room, a covered cart/ carriage maintenance area and toilet. This is to serve as a store and workshop for

horse driven heritage carriages which are the applicant's hobby, providing weatherproof and safe accommodation for the carriages and associated equipment. The size is necessary to accommodate the various specialist equipment, room to work and to provide tack and feedstuff storage. Horses may also occupy part of the new area. The toilet will benefit the farm which lacks this external facility.

The supporting statement confirms that the proposal is not a commercial operation and is designed to appear 'traditional'. The application is supported by letters from the Traditional Gypsy Cob Association and The British Driving Society. These have been provided following the withdrawal of the first application, taking into account the building's importance.

These supporting letters confirm the applicant's longstanding family involvement in carriage driving and the very real need for the on-site accommodation for the horse drawn vehicles with an associated special heritage.

For purposes of clarification there is no proposed residential use, as referred to by the Bat Report.

The Bat Report has confirmed:

- No bats, evidence or suitable roosting locations could be found within or on the building and therefore it is unlikely that bats are using the building for roosting purposes.
- Potential Impact. None foreseen.
- Recommendations .No further survey is considered necessary, however the following should be observed: -
- If a bat is unexpectedly found at any time during the works, work must stop immediately and further advice sought from an ecologist.
- If works do not proceed within 12 months of this report an update will be necessary

Relevant Recent Planning History

Site

The application has been submitted following the withdrawal of the previous application for the proposal.

Tamarinda

This is a recently extended nearby dwellinghouse subject to Planning Permission 4/00517/15/FHA including two storey side and rear extensions involving a 54% increase in floorspace. The dwelling is located to the north of Long Lane Cottages.

The Parish Council comments were:

1.Objection. The proposed works exceed the 30% rule for properties in the Green Belt.

2.The Bovingdon Parish Council considered the revised scheme on the 5th May 2015 and made the following comments:

OBJECT - The Parish Council is encouraged that this proposal significantly improves the overall appearance of the property but are concerned that it does exceed the 30% rule for

properties in the Green Belt. The Council needs clarification that the special circumstances rule allows for a property to be aesthetically improved.

Support – the Parish Council confirmed on the 11.06.2015 that they support the proposals based on the additional information provided in an e-mail dated 2 June 2015 that set out how the development could be assessed in light of Green Belt policy.

Referral to Committee

This is referred to the DCC as the recommendation is contrary to the views of Bovingdon Parish Council.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance

Dacorum Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS25 - Landscape Character
CS26 - Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 51, 54, 58, 61, 63, 81 and 113

Appendices 3 and 8

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Landscape Character Assessment (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note

Constraints

Green Belt

Former Land Use
Air Safeguarding Area

Representations

Bovingdon Parish Council

Original Scheme

Objects. Inappropriate development in Green Belt. The proposed building is too high and too large. Affects the openness of the Green Belt.

Revised Scheme

BPC Planning Committee met and considered the amended scheme in respect of Long Lane Farm.

The Committee feel that the amended scheme does not address their original concerns and therefore, still object to the proposals as per our original comments, which were 'Inappropriate development in the Green Belt. The proposed building is too high and too large. It affects the openness of Green Belt.' If the building was of a similar size and height to the existing building then they may be minded to support the application. The applicants were not at the meeting.

Note: Following Parish Council's initial objection there was a revision to the scheme with more information. The LPA reconsulted the Parish Council upon the additional information/ plans which the Parish Council did not receive. This required a reconsultation including an updated drawing showing the corrected relationship between the existing and proposed development.

Strategic Planning

As this is an amended scheme SP do not plan to comment unless advised otherwise.

Building Control

No responses.

Scientific Officer

The site is located within the vicinity of potentially contaminative former and current land use as a farm. Consequently there may be land contamination issues associated with this site. It is recommended that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Councils website (www.dacorum.gov.uk/default.aspx?page=2247).

Noise and Pollution

Original Scheme

Does not wish to restrict the grant of permission. There is no increase in activity or other issues than would be of environmental health significance.

Revised Scheme

On balance NP could not see sensible reasons to object given history and nature of the site.

NP has looked at this application from the standpoint of potential nuisance and concluded that given all of the circumstances that nuisance would be unlikely in this instance. Therefore NP

have no objections or comments except would like to see a condition prohibiting the burning of all animal waste on this site.

Health Food and Safety

No responses.

Hertfordshire Ecology

Original Scheme

There is no information regarding the buildings and structures which are to be demolished.

It is necessary to know if the buildings are suitable for either roosting bats or nesting birds. The applicant is requested to provide some photographs of the building and structures with particular regard to the roof and roof-space, plus any bargeboards, soffits, hung tiles or wooden cladding that the building may have.

Revised Scheme

The only issue may be the potential presence of bats or possibly nesting birds within the buildings to be demolished. There are limited bat records in the area but the site location and surrounding habitat suggests bats are highly likely to be present in the immediate area. However from the description it would appear there is limited likelihood of bats if their condition is poor, but there is no physical evidence to demonstrate this.

Consequently it is requested that photographs of the buildings to be demolished – both outside and inside – showing both roof and wall construction, before providing any formal recommendations. There is currently insufficient information to demonstrate bats are not present. HE is unprepared to advise that the LPA requires a bat survey without seeing something of the nature of the existing buildings and, consequently, the likely bat potential. The buildings are otherwise not visible from street view, but aerial photos do not suggest the buildings are particularly suitable.

The provision some photographs are necessary as soon as possible to avoid the bird nesting period if the application is approved and demolition commenced – HE will be able to advise accordingly. Presumably no such photos have been provided despite the previous comments that have been made, although the nature of the buildings may not reflect some of the features quoted.

Response to Bat Survey

The report outlines an inspection of the building affected to assess any evidence of bats. The survey appears thorough and consequently reliable. No evidence for bats was found, and HE has no reason to dispute the findings. Recommendations are provided in the event that bats are discovered during the course of any works, but no further surveys are required.

Consequently HE considers the LPA is now in a position to determine the application having taken sufficient account of bats.

Hertfordshire Constabulary: Design Crime Prevention Design Service

Original Scheme

Comment

Value of items stored: mention is made in the application of the high value of the cart / carriages that will be stored. It is also noticed from the plan there is a tack room.

Security

No mention is made regarding security or alarms etc., and the carriages appear to be in open bays. Therefore HC is unable to form an opinion as regards security, for the proposed development.

It is hoped that this response will assist the LPA in considering its deliberations and will help the development achieve that aims of the National Planning Practice Guidance (NPPG) – Design section

- 010 – re Sec 17 of the Crime and Disorder Act 1998 – to prevent crime & disorder.
 - 011 – re taking proportionate security measures being a central consideration to the planning and delivery of new developments and substantive retrofits.
- & Dacorum Core Strategy policies:
- CS12 – re safe access, layout and security.

Revised Scheme

Designing Out Crime. No comment other than:

Physical Security – ADQ and SBD: Building Regulation, Approved Document Q (ADQ) requires that dwellings are built to “Prevent Unauthorised Access”. This applies to any “dwelling and any part of a building from which access can be gained to a flat within the building”. Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. Further details are available from Hertfordshire Police Crime Prevention Design Advisors. HC would obviously be keen to see any development built to the physical security standards of Secured by Design which is the police approved minimum security standard, as this will reduce the potential for burglary by 50% to 75% and therefore demand on the Police as well as achieving ADQ.

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/does not object to the development, subject to the informative notes below.

Informatives:

1. Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. (Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area).

2. Storage of Materials. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development. (Reason: In the interests of highway safety and free and safe flow of traffic).

Analysis

1.Parking

No changes to existing parking are proposed.

2.Access

No changes are required to the existing vehicular crossover and no works are required in the highway. Long Lane is an unclassified local access road, subject to a 30mph speed limit with low pedestrian traffic and no accidents in the past 5 years.

Conclusion

The proposals would not have an unreasonable impact upon highway safety or capacity, subject to the conditions and informative notes above

Hertfordshire Fire & Rescue Service

In response to both consultations HFRS has examined the drawings and noted that the access for fire appliances and the provision of water supplies appears adequate. Further comments will be provided when HFRS is consulted under Building Regulations.

Thames Water

No responses.

Affinity Water

No responses.

Response to Neighbour Notification / Site Notice

Original Scheme

Kilmacrennan

No objections.

Tamarinda

There are no existing elevation and floor plans for this application including heights in order that the heights and proportions of the proposed construction can be ascertained.

What is the purpose of the 'false loading door and lifting mechanism' at the first floor level if there in first floor plan proposed?

Is the hay store only on the ground floor?

Please clarify if there are first floor plans for this application as it is implied in the drawings that this is going to be a used area due to its size, currently only ground floor plan shown.

Please confirm that there will be restrictions in place allowing no windows nor fixed glass panels (velux or similar) on any north east or north west elevations (including permitted development rights to do this at a later date).

Using the scale on the amended plan, at double storey height (8m approx at the roof apex) the building would appear over burdening and detract from the openness of the green belt location.

Revised Scheme

Tamarinda

In reference to our previous objection, having a non-residential farm building at 8m in height (double its existing height) is still over-burdening and detracting from the openness of the green belt location.

The amended planning application shows an existing building of 6.5 metres in height which is not the case as the present buildings are only 4 metres in height. The assumption is that the farm buildings were 6.5 metres in height but there is no reference to the original planning application of these buildings. The correct plans (drawings) should be attached to this application for reference to verify that the original building was 6.5 metres in height because as it stands the new building is twice the height of the existing buildings.

We have lived at Tamarinda since June 2013 and viewed the property in April 2013 and do not recall seeing farm buildings at 6.5 metres in height.
If there is no intended first floor use, is there a reason for the design to be at 8 metres in height?

It would be a more supportable application if the building height was lowered to meet the green belt restrictions and the application needs.

Regarding the drawings attached to the application, there is no drawing with reference number 1539/2 provided.

It would still need to be confirmed that there will be restrictions in place allowing no windows nor fixed glass panels (velux or similar) on any north east or north-west elevations (including permitted development rights to do this at a later date).

5 Long Lane Cottages

No objection.

The building will enhance the outlook as compared with the existing construction which is slowly disintegrating. At the rear of existing property there was a construction which the owners had operated a rescue centre for various types of wounded birds and, including an owl at one stage. It is hoped that this information will enable the local planning authority to grant permission.

Considerations

The main issues are the principle with regard to the Green Belt and the countryside implications, design and the compatibility with the local residential environment.

This is set against the use of the site for agriculture and the historical association of equestrian uses with the countryside. Unless horses are used for horse drawn ploughing, equestrian uses fall outside the planning definition of agriculture.

Policy and Principle: The Green Belt Implications

National Planning Policy Framework

Under para 89 a LPA should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Para 90 confirms that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include the re-use of buildings provided that the buildings are of permanent construction.

Para 87 confirms that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 88 explains that when considering any planning application, LPAs 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.

Also Paragraph 81 confirms that once Green Belts have been defined, LPA's should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

Dacorum Core Strategy Policy CS5 Green Belt

This specifies amongst a range of matters:

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.

Within the Green Belt, small-scale development will be permitted: i.e.

- (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*, including major developed sites which will be defined on the Proposals Map

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.

Dacorum Borough Local Plan Saved Policy 81: Equestrian Activities

This specifies:

New commercial equestrian facilities will not be permitted in the Green Belt unless they can be accommodated in existing buildings and there is no adverse impact on the openness of the Green Belt.

Small scale facilities will normally be permitted in the Green Belt and Rural Area, provided they meet the following criteria:

- (a) equestrian facilities should be well located in relation to existing and proposed rights of way for equestrians;

(b) equestrian facilities should be carefully integrated into the rural landscape by siting adjacent to existing buildings or features such as trees, woodlands or hedgerows;

(c) any new buildings should be compatible in scale and design with the countryside setting and ancillary to the overall equestrian use;

(d) the scale of activity should respect the countryside setting and quality of the surrounding area;

(e) opportunities to extend or add links to the bridleway network and improve riders' safety should be taken;

(f) careful attention should be paid to the design, maintenance and management of jumps and other equipment (including the desirability of removing these items when they are not in use); and

(g) availability of sufficient grazing in relation to the number of loose boxes and stable units.

Proposals should not result in subdivision of fields into small paddocks with stables and fencing in each area.

The Green Belt / Countryside Implications: Assessment

With reference to these policies the proposal is 'Green Belt' compliant in the following ways:

- The equestrian/ outdoor recreational use is appropriate in the Green Belt,
- It replaces existing buildings used for agricultural/ equestrian purposes, and
- The proposal is non-commercial.

In summary the proposal is 38% over the floorspace of the existing buildings and 8% over the existing buildings and those subject to the previous storm damage, being also significantly higher than the existing buildings to be demolished. Therefore as the proposed replacement is materially larger it is contrary to Green Belt policy representing inappropriate development which is by definition harmful.

Therefore it can only be supported if there are very special circumstances which outweighs the harm and there is no other harm. In exercising a measured consideration of the proposal it is reasonable to take into account the following:

- That whilst the existing buildings could not be re used /refurbished due to its existing very poor condition there would be no objection under Green Belt policy to their replacement with one of the same size. This is a robust case of a need to provide a new building -with some additional floorspace - replacing very dilapidated buildings of probably immediate post 1945 construction which have gone beyond their reusable condition.
- The extra floorspace is due to the Applicants operational hobby requirements with equestrian recreational uses supported in the Green Belt with the height necessary to facilitate the use of clay tiles. The height is not for operational reasons.
- There is no opportunity to provide the necessary accommodation within the limited residential curtilage of the farmhouse.
- The increased floorspace. As clarified the proposal represents an 8% increase over all the original buildings as compared to the 38 % over the existing. At 8% development would not be much larger in terms floor space, notwithstanding the additional height. As a

comparison the LPA's historic approach to replacement dwellings/ extensions to dwellings a 30% increase is normally an acceptable/ proportionate enlargement in terms of floorspace. In this respect as confirmed, the LPA recently granted permission for 54% increase to the nearby Tamarinda . This included two storey front and side extensions. In this case it was assessed that '...given the residential character of the immediate area the proposals are not considered to detract from the character or openness of the Green Belt'

- The proposal will have limited impact upon openness of this part of the Green Belt. This is due to the development's relationship with the established farm complex, being discreet in relation to public views from Long Lane, consolidating their existing footprint. This takes into account the fall-back position of the size/ footprint of the very longstanding buildings to be replaced. For comparison - whilst each application has to be considered upon its individual merits - it should be observed that again in the case of the development at Tamarinda this is considered to have a much greater impact upon the openness of this part of Green Belt as compared to the proposal. The proposed building's extra height is not an overriding issue in the context of its relationship with established farmyard buildings where there are buildings of similar height. A lower pitched roof incorporating modern tiles would be of lesser design quality and sustainable.
- It has no significant impact on the character and appearance of the countryside upgrading the site. This is due to its location within the historic group of farmyard buildings, consolidating/ reinforcing the long established farmyard layout.
- It supports the rural economy, with the possible future use for agriculture.
- There are no known environmental problems arising from the historical closeness of the farm with the adjoining very long established housing in Long Lane.
- There is no proposed first floor which is subject to an agreed condition.

It is concluded that there are sound very special circumstances which outweigh the harm.

Impact upon Residential Amenity

This is in the context of Dacorum Core Strategy Policy CS12 and the NPPF's paragraph 133. There are no apparent implications for the adjoining/ nearby dwellings.

As confirmed there are no known environmental problems arising from the historical closeness of the farm with the adjoining very long established housing in Long Lane. The Environmental Health Team's Noise & Pollution Unit raise no objections. It is understood that the hobby workshop purposes will not involve noise generated activity in the repair / maintenance of the cart equipment. It is unknown whether there will be the shoeing of horses through on site furrier works. However this should be limited.

The building's position, size and window design will no harmful effect upon the adjoining dwellings.

Access/ Highway Implications

There are no objections. This is with due regard to the advice Hertfordshire County Council Highways and Hertfordshire Fire & Rescue Service.

Ecological Implications/ Biodiversity

There are no objections with due regard to the Bat Report findings and limited opportunities. Hertfordshire Ecology has not recommended the incorporation of 'bat/ wildlife friendly measures ' in the design with regard to biodiversity benefit.

Drainage/ Contamination

Conditions are recommended.

Crime Prevention/ Security

There are no objections raised by Hertfordshire Constabulary.

Exterior Lighting/ Light Pollution/ Visual Impact at Night

A condition is recommended in this sensitive E1 Lighting Zone.

Sustainable Construction

This should be addressed under Building Regulations.

Environmental Impact Assessment

This is not necessary.

Conditions

A range of conditions are necessary.

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 building hereby permitted shall only be used for non commercial equestrian or agricultural purposes and therefore excludes any residential use.**

Reason: To safeguard the Green Belt and the residential amenity of the locality in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy and for the avoidance of doubt.

- 3 There shall be no additional floor space formed within or external alterations to building hereby permitted.**

Reason: To safeguard the Green Belt and the local environment in accordance with Policies CS5 , CS12 and CS29 of the Dacorum Core Strategy.

- 4 The building hereby permitted shall be constructed in the specified materials.**

Reason: In the interests of the visual amenity in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy.

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

For the purposes of this condition:

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy.

- 6 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 5 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 CS 32 of the Dacorum Core

Strategy.

Informative:

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

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

- 7 **Prior to the commencement of the development hereby permitted details of a surface water drainage system shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with the aims of Policies CS12 and CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 8 **Details of all exterior lighting to be installed to serve the building hereby permitted shall be submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed and thereafter retained fully in accordance with the approved details.**

Reason: To safeguard the local environment in accordance with the requirements of Policies CS5, CS12, CS24 , CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 9 **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:**

1539/ 1, 1539/ 2A, 1539/3A

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

NOTE 1: ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the agent during the determination process which led to improvements to the scheme.

The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES

Bats

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).

Contacts:

English Nature 01206 796666

UK Bat Helpline 0845 1300 228 (www.bats.org.uk)

Herts & Middlesex Bat Group 01992 581442

Item 5f

4/02588/16/FHA – CONSTRUCTION OF CONSERVATORY

**THE OLD FORGE, WESTBROOK HAY, LONDON ROAD, HEMEL HEMPSTEAD,
HP1 2RG**



**4/02588/16/FHA - CONSTRUCTION OF CONSERVATORY.
THE OLD FORGE, WESTBROOK HAY, LONDON ROAD, HEMEL HEMPSTEAD, HP1 2RG.
APPLICANT: Mr M Halls.**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

The Old Forge is a curtilage listed building (set in the grounds of Westbrook Hay School, a grade II listed building).

This application follows pre-application advice in which numerous different options have been explored with the Conservation Officers. In order to allow the original form, detailing and character of the brick and flint building to remain it has been concluded that a simple, modern, stand-alone extension is best suited to the building. Given its subservient size, scale and height, the extension as proposed, would not appear dominant or detract from the host building. The conservatory would clearly appear as a later addition to the building. Given historically the building relates to the much larger Westbrook Hay School site, this would allow the original form and hierarchy of the buildings to remain evident.

The proposal complies with Policies CS5, CS11, CS12 and CS27 of the Core Strategy 2013.

Site Description

The application site comprises The Old Forge and its associated residential curtilage. The Old Forge is a brick and flint building that was converted to residential use in the early 1990s.

The site is located within the Westbrook Hay estate.

Proposal

Planning permission is sought for the construction of a modern conservatory to the southern side of the dwelling.

The conservatory would measure 5.3m in width by 6.2m in depth, and comprise a flat roof with slightly raised central skylight. The front elevation would incorporate glazed sliding doors whilst the remainder of the building would be clad in timber featheredge boarding which would be stained black.

A listed building consent application (4/02694/16/LBC) accompanies this application and is currently under consideration.

Referral to Committee

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

Planning History

4/01156/08/DRC DETAILS OF BAT SURVEY AND ECOLOGICAL IMPACT ASSESSMENT
AS REQUIRED BY CONDITION 5 OF PLANNING PERMISSION
4/01579/06 (CONVERSION OF EXISTING STABLE/TACK ROOM TO
RESIDENTIAL)
Granted
26/09/2008

4/02171/03/DRC DETAILS OF GARAGE DOORS REQUIRED BY CONDITION 2 OF
PLANNING PERMISSION 4/01315/03 (DOUBLE GARAGE AND STABLE)
Granted
06/11/2003

4/01315/03/RET DOUBLE GARAGE AND STABLE
Granted
25/07/2003

4/00368/98/4 WORKS TO TREES
Granted
20/03/1998

4/01627/97/FHA DOUBLE GARAGE AND STABLE
Granted
26/11/1997

4/01333/93/4 INSTALLATION OF ROOF LIGHTS AND DOOR (AMENDED PLANS)
Granted
15/12/1993

4/01025/93/4 SUBMISSION OF DETAILS OF FACING MATERIALS PURSUANT TO
4/2032/89 (CONVERSION OF FORGE TO 2 BEDROOM DWELLING)
Granted
09/08/1993

4/00968/93/4 CONVERSION OF FORGE TO TWO BEDROOM DWELLING
Granted
23/09/1993

4/02032/89/4 CONVERSION OF FORGE TO 2-BEDROOM DWELLING
Granted
24/01/1990

4/02032/89 Conversion to residential use Granted 24/01/90

4/01333/93 Rooflights and door Granted 15/12/93

4/1627/97 Double garage and stable Granted 26/11/97

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment

Summary of Representations

Bovingdon Parish Council

OBJECT - Not in keeping with existing building. Inappropriate development.

Conservation and Design

The Old Forge is a curtilage listed property (as it was formerly associated with Westbrook Hay, the grade II listed property nearby - now a school). The Old Forge is a mid 19th century 1 ½ storey property, constructed of flint with red brick dressings and a decorative clay tile roof. The frontage retains a strong symmetry with a central projecting gable.

The current planning application has been subject to pre-application advice from more than one conservation officer over the past few years.

A side extension of a contemporary design in this location is supported.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Hay Cottage

We are the householders of Hay Cottage, Westbrook Hay and the neighbours of Marcel Halls. We are responding to your letter dated 6 March 2017. We have seen the plans for the conservatory and have no objection to it with the following conditions:

1. That sufficient room is left to enable access to the party brick wall from the Halls' side of the wall. The wall is a brick and flint listed wall and there needs to be sufficient space in case of repairs
2. That the wall is checked before the building work starts and if necessary repairs made to it at that stage

Bourne End Village Association

We oppose the above application. We consider that the development would be totally out of keeping in design with the main building.

Considerations

Policy and Principle

The application site is located within the Metropolitan Green belt, wherein in accordance with the National Planning Policy Framework and Policy CS5 of the Core Strategy small-scale development including limited extensions to existing building are permitted provided that; it has no significant impact on the character and appearance of the countryside; and it supports the rural economy and maintenance of the wider countryside.

The Old Forge was formerly part of the Westbrook Hay estate but was converted into residential accommodation many years ago. Whilst there have been alterations to the building

and numerous outbuildings have been constructed within the grounds (one of which now forms a residential annex) the building has not previously been extended.

The conservatory is considered 'limited' in its size and scale and is proportionate to the host building. It is flat roof, and occupies a lower position than the existing building, it is thus clearly subservient. Furthermore the conservatory is located within an existing cluster of buildings, to the south of the main dwelling, between the main Forge Building and some smaller outbuildings and also set against the backdrop of a much larger detached outbuilding associated with Hay Cottage to the south-west. The conservatory would thus have a limited impact on the overall character, appearance and openness of the countryside and complies with Policy CS5.

Effects on appearance of building / listed buildings / street scene

The Old Forge is a curtilage listed building (as it was formerly associated with Westbrook Hay, the grade II listed property nearby - now a school). The Old Forge is a mid 19th century 1 ½ storey property, constructed of flint with red brick dressings and a decorative clay tile roof. The frontage retains a strong symmetry with a central projecting gable. There are numerous outbuildings across the site, constructed of a variety of materials including timber cladding.

Policy CS27 requires that the integrity, setting and distinctiveness of designated heritage assets is protected. The flat roof, timber clad conservatory proposed would clearly appear as a subservient later addition to the original building, and the contemporary design proposed would allow the strong symmetry of the existing front elevation to remain. As such the overall integrity, character, appearance and distinctiveness of the original brick and flint building would be preserved.

In accordance with Policy CS12 the proposal is considered to respect the adjoining properties in terms of layout, site coverage, scale, height, bulk and materials. The conservatory would be clad in black stained featheredge boarded which whilst appearing in contrast to the brick and flint of the host building, would relate well to the existing outbuildings.

The proposal is considered to comply with Policies CS12 and CS27 of the Core Strategy.

Impact on Neighbours

Given its modest height, its position within a cluster of existing building, and its siting behind the existing boundary wall, the proposed conservatory would not have a significant adverse impact on adjacent properties in terms of light, privacy or visual intrusion. Moreover it would be sited partially beside the much larger, pitched roof outbuilding associated with Hay Cottage and set against the backdrop of surrounding larger buildings which would have a far greater impact.

The proposal complies with Policy Cs12 in this regard.

Other Considerations

Concern has been expressed from the neighbour about maintenance of the flint wall between the properties. Whilst this would not be a material planning consideration the applicant has confirmed that the wall will be repaired prior to the construction of the conservatory and that future works could be undertaken from the adjacent site (subject to the landowners consent) or from beside the existing outbuilding (chicken house).

The materials specified (black stained featheredge timber boarding) are considered acceptable. Additional details / confirmation will be conditioned as part of the listed building consent.

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:**

1:1250 OS Extract
1:50 Existing Plans
1:50 Proposed Plans
Design and Access Statement.

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

Article 35:

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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.

Item 5g

4/02694/16/LBC – CONSTRUCTION OF CONSERVATORY

**THE OLD FORGE, WESTBROOK HAY, LONDON ROAD, HEMEL HEMPSTEAD,
HP1 2RG**



**4/02694/16/LBC - CONSTRUCTION OF CONSERVATORY.
THE OLD FORGE, WESTBROOK HAY, LONDON ROAD, HEMEL HEMPSTEAD, HP1 2RG.
APPLICANT: Mr M Halls.**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

The Old Forge is a curtilage listed building (set in the grounds of Westbrook Hay School, a grade II listed building).

This application follows pre-application advice in which numerous different options have been explored with the Conservation Officers. In order to allow the original form, detailing and character of the brick and flint building to remain it has been concluded that a simple, modern, stand-alone extension is best suited to the building. Given its subservient size, scale and height, the extension as proposed, would not appear dominant or detract from the host building. The conservatory would clearly appear as a later addition to the building. Given historically the building relates to the much larger Westbrook Hay School site, this would allow the original form and hierarchy of the buildings to remain evident.

The proposal complies with Policy CS27 of the Core Strategy 2013.

Site Description

The application site comprises The Old Forge and its associated residential curtilage. The Old Forge is a brick and flint building that was converted to residential use in the early 1990s.

The site is located within the Westbrook Hay estate.

Proposal

Listed Building Consent is sought for the construction of a modern conservatory to the southern side of the dwelling.

The conservatory would measure 5.3m in width by 6.2m in depth, and comprise a flat roof with slightly raised central skylight. The front elevation would incorporate glazed sliding doors whilst the remainder of the building would be clad in timber featheredge boarding which would be stained black.

A planning application (4/02588/16/FHA) accompanies this application and is currently under consideration.

Referral to Committee

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

Planning History

4/01156/08/DRC DETAILS OF BAT SURVEY AND ECOLOGICAL IMPACT ASSESSMENT
AS REQUIRED BY CONDITION 5 OF PLANNING PERMISSION
4/01579/06 (CONVERSION OF EXISTING STABLE/TACK ROOM TO
RESIDENTIAL)
Granted
26/09/2008

4/02171/03/DRC DETAILS OF GARAGE DOORS REQUIRED BY CONDITION 2 OF
PLANNING PERMISSION 4/01315/03 (DOUBLE GARAGE AND STABLE)
Granted
06/11/2003

4/01315/03/RET DOUBLE GARAGE AND STABLE
Granted
25/07/2003

4/00368/98/4 WORKS TO TREES
Granted
20/03/1998

4/01627/97/FHA DOUBLE GARAGE AND STABLE
Granted
26/11/1997

4/01333/93/4 INSTALLATION OF ROOF LIGHTS AND DOOR (AMENDED PLANS)
Granted
15/12/1993

4/01025/93/4 SUBMISSION OF DETAILS OF FACING MATERIALS PURSUANT TO
4/2032/89 (CONVERSION OF FORGE TO 2 BEDROOM DWELLING)
Granted
09/08/1993

4/00968/93/4 CONVERSION OF FORGE TO TWO BEDROOM DWELLING
Granted
23/09/1993

4/02032/89/4 CONVERSION OF FORGE TO 2-BEDROOM DWELLING
Granted
24/01/1990

4/02032/89 Conversion to residential use Granted 24/01/90

4/01333/93 Rooflights and door Granted 15/12/93

4/1627/97 Double garage and stable Granted 26/11/97

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment

Summary of Representations

Bovingdon Parish Council

OBJECT - Not in keeping with existing building. Inappropriate development.

Conservation and Design

The Old Forge is a curtilage listed property (as it was formerly associated with Westbrook Hay, the grade II listed property nearby - now a school). The Old Forge is a mid 19th century 1 ½ storey property, constructed of flint with red brick dressings and a decorative clay tile roof. The frontage retains a strong symmetry with a central projecting gable.

The current planning application has been subject to pre-application advice from more than one conservation officer over the past few years.

A side extension of a contemporary design in this location is supported. Condition windows and doors to be timber, painted black (to avoid submission of further details). Also condition requiring the end elevation of the building to which the extension will attach (currently flint) to remain as existing (flint / brick) and not to be plastered or painted over.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Hay Cottage

We are the householders of Hay Cottage, Westbrook Hay and the neighbours of Marcel Halls. We are responding to your letter dated 6 March 2017. We have seen the plans for the conservatory and have no objection to it with the following conditions:

1. That sufficient room is left to enable access to the party brick wall from the Halls' side of the wall. The wall is a brick and flint listed wall and there needs to be sufficient space in case of repairs
2. That the wall is checked before the building work starts and if necessary repairs made to it at that stage

Bourne End Village Association

We oppose the above application. We consider that the development would be totally out of keeping in design with the main building.

Considerations

Effects on appearance of building / listed buildings / street scene

The Old Forge is a curtilage listed building (as it was formerly associated with Westbrook Hay, the grade II listed property nearby - now a school). The Old Forge is a mid 19th century 1 ½ storey property, constructed of flint with red brick dressings and a decorative clay tile roof. The frontage retains a strong symmetry with a central projecting gable. There are numerous outbuildings across the site, constructed of a variety of materials including timber cladding.

Policy CS27 requires that the integrity, setting and distinctiveness of designated heritage assets is protected. The flat roof, timber clad conservatory proposed would clearly appear as a subservient later addition to the original building, and the contemporary design proposed would allow the strong symmetry of the existing front elevation to remain. As such the overall integrity, character, appearance and distinctiveness of the original brick and flint building would be preserved.

IN accordance with Policy CS12 the proposal is considered to respect the adjoining properties in terms of layout, site coverage, scale, height, bulk and materials. The conservatory would be clad in black stained featheredge boarded which whilst appearing in contrast to the brick and flint of the host building, would relate well to the existing outbuildings.

The proposal is considered to comply with Policies CS12 and CS27 of the Core Strategy.

Other Considerations

Concern has been expressed from the neighbour about maintenance of the flint wall between the properties. Whilst this would not be a material planning consideration the applicant has confirmed that the wall will be repaired prior to the construction of the conservatory and that future works could be undertaken from the adjacent site (subject to the landowners consent) or from beside the existing outbuilding (chicken house).

The materials specified; black stained featheredge timber boarding, black painted windows are considered acceptable however for the avoidance of doubt a condition requiring the windows and doors are of timber shall be imposed. In addition to safeguard the curtilage listed building a condition stating the brick and flint side elevation of the original building shall not be altered will be included.

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

- 1 The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 The windows/doors of the conservatory hereby approved shall be permanently constructed of black painted timber or black powder coated aluminium, and thereafter maintained as such.**

The southern side elevation of the existing building (brick and flint construction) shall be permanently left exposed and not covered over (plastered) or painted in any way.

Reason: To safeguard the character and appearance of the adjacent Listed Buildings in accordance with Policy CS27 of the Core Strategy. .

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

1:1250 OS Extract
1:50 Existing Plans
1:50 Proposed plans

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

Article 35:

Listed building consent has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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.

4/00385/17/ADV - EDGELIT ILLUMINATED FASCIA SIGN AND NON-ILLUMINATED PROJECTING SIGN.

186 HIGH STREET, BERKHAMSTED, HP4 3AP.

APPLICANT: PAPERCHASE PRODUCTS LIMITED.

[Case Officer - Sally Robbins]

Summary

The proposed shopfront advertisement signs for 186 High Street, Berkhamsted would not have a detrimental effect upon the existing building, the immediate street scene, the Conservation Area or the safety and operation of the highway and passing pedestrians. As such, the proposal complies with Core Strategy (2013) Policies CS11, CS12 and CS27, saved Policies 112 and 120 of the Dacorum Local Plan (2004), the National Planning Policy Framework (NPPF) (2013) and the Supplementary Guidance for Advertisements (2004).

Site Description

The application site is located on the northern side of Berkhamsted High Street, within the Conservation Area. The site is located on the ground floor of a prominent four storey red brick building, Chiltern House, which was built in 1978 and contains three ground floor shopfronts and rows of large office windows on the upper floors. The application site contains a retail unit (Use Class A1), which is currently occupied by a stationery supply company (Paperchase).

The surrounding area is characterised by mid to late twentieth century, mostly three-storey, red brick buildings with large ground floor windows and rows of smaller windows to the upper floors typical of 1950s and 1960s design. Between Water Lane and Lower Kings Road, offices and modern shopfronts are prevalent, with the exception of the Gothic styled Town Hall, which was erected in 1859.

Proposal

Advertisement Consent is sought for the following:

- Facia Sign: satin stainless steel front face text on 12mm LED impregnated opal acrylic core (halo illuminated)
- Projecting Sign: satin stainless steel front face text on 5mm opal acrylic backing (non-illuminated)

Referral to Committee

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

Relevant Planning History

No Relevant History

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan (1991)

Policy 112 - Advertisements
Policy 120 - Development in Conservation Areas
Appendix 3 - Gardens and Amenity Space

Supplementary Planning Guidance (2004)

Supplementary Guidance for Advertisements

Summary of Representations

Comments received from Berkhamsted Town Council:

OBJECTION. This building is situated in the Conservation Area and internally illuminated signage should not be allowed. P120; P113.

Date: 29/03/2017

Comments received from Conservation Officer:

Whilst externally illuminated signs are preferred within the Berkhamsted Conservation Area, the building that contains the shopfront is modern, therefore the contemporary design of the proposed fascia sign would be acceptable for this particular shopfront.

I would advise that the projecting sign is either non-illuminated or externally illuminated. I would think that having the fascia sign illuminated as they propose would be sufficient for this shopfront and that a lit projecting sign is unnecessary.

Date 19/04/2017

Comments received from Highway Authority:

Date: 05/04/2017

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:

From a Highways perspective, there is no material difference between this amendment and the original application, therefore the same response is applicable:

The proposals are not considered to result in any adverse impact on the public highway, subject to the conditions and informative note below.

CONDITION

1. The intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals in PLG05 The Brightness of Illuminated Advertisements (2015).

Reason: The above is required in the interest of public safety and visual amenity

ANALYSIS

This application is for the installation of Edgelit Illuminated Fascia Sign

Comments received from Berkhamsted Citizens Association:

Date: 15/03/2017

At the meeting of its Townscape Committee on 14 March 2017 the Berkhamsted Citizens Association objected to this application on the grounds that internal illumination should be resisted in the Conservation Area.

The previous tenant had a fascia sign which was unlit. External illumination would, however, be acceptable.

Constraints

Established residential area of Berkhamsted

- Berkhamsted Conservation Area
- Area of Archaeological Significance

Key Considerations

The main issues of relevance to the consideration of this application relate to the impact of the proposed advertisements upon the character and appearance of the street scene and conservation area, in addition to highway and pedestrian safety.

Effect on Appearance of Existing Building and Conservation Area

Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height. Paragraph 64 of the NPPF states that permission should be refused for developments of poor design which fail to improve the character and quality of an area. Policies CS27 of the Core Strategy (2013) and saved Policy 120 of the Dacorum Local Plan (2004) reinforce this, in addition to stating that great weight should be given to the conservation of designated heritage assets in considering the impact of proposed developments within a conservation area. Furthermore, saved Policy 112 of the Local Plan (2004) and Supplementary Planning Guidance for Advertisements (2004) states that advertisements should be sympathetic in size, appearance, design and position to the site on which it is displayed.

The proposed advertisement fascia sign would replace the existing sign, and would measure 0.6m high, 2.01m wide and 0.01m deep. The proposed fascia sign would be 'edglit' illuminated. The fascia sign would be composed of satin stainless steel front face fret cut text on an opal

acrylic core, which would be 12mm thick and would run around the edge of the text only to provide the edgilit illumination.

The proposed projecting sign would be attached to the right hand side of the fascia sign and would measure 0.6m high, 0.7m wide and 0.08m deep. The projecting sign would have a gloss black background and the text would be satin stainless steel front facing on 5mm opal acrylic backing. The proposed projecting sign would be non-illuminated.

The contemporary design of the proposed fascia and projecting signs would harmonise with the modern design of the parent building. Furthermore, the signs would be modest in scale and would not dominate the street scene. The proposed fascia sign would be centrally located above the entrance to the shop with the projecting sign situated to the right hand side of the shop. Both of the proposed signs would be 2.24m above the ground. The proposed advertisements would not appear visually prominent in relation to the host building or the surrounding area. The DBC Conservation Officer has raised no objection to the proposed signs, acknowledging that this type of illuminated fascia sign has been accepted on occasion within the Conservation Area.

The proposed illumination of the fascia sign would be 655 cd/sqm, which is well within the accepted specification of 5000 cd/sqm for the highest daytime illumination level. As such, the proposed illumination would meet the criteria of PLG05 The Brightness of Illuminated Advertisements (2015) and it is considered that the level of illumination is appropriate for the scale of advertisements proposed.

It is considered that the proposed advertisement signs would not have a significant impact upon the character and appearance of the existing building or the wider Conservation Area. The proposal is therefore in accordance with saved appendices 3 and 7 and Policy 120 of the Dacorum Local Plan (2004), Policies CS11, CS12 and CS27 of the Core Strategy (2013), the NPPF (2012) and Supplementary Guidance for Advertisements (2004).

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in a detrimental impact on neighbouring properties and their amenity space.

The application site is located on Berkhamsted High Street, which is comprised of predominantly commercial units. As there are no residential units within the immediate vicinity, either adjacent to or above the application site, the proposed illuminated fascia sign and non-illuminated projecting sign will not have an impact upon the residential amenity of adjacent neighbours.

Impact on Highway and Pedestrian Safety

Saved Policy 56 of the Local Plan (2004) states that the illumination of advertisement displays must be appropriate to the site location and should not distract highway users. Hertfordshire Highways have been consulted on the proposed advertisement signs in this regard and raised no objections subject to the advised conditions and informatives.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning , following the expiry of the consultation period and no additional material considerations being raised, with a view to grant for the following reasons.

- 1 **1. This consent is granted for a period of five years commencing on the date of this notice.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3. No advertisement shall be sited or displayed so as to: -**

- (a) **endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);**
- (b) **obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or**
- (c) **hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7. The intensity of illumination shall be controlled at the level as illustrated and**

described on the submitted plans/application form and is to be retained such that it will not cause glare beyond the site boundaries.

Reason: In the interest of public safety and visual amenity, in accordance with policies CS11 and CS12 of the Dacorum Core Strategy (2013) and saved policies 56 and 112 of the Dacorum Local Plan (2004).

8. The intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals in PLG05 The Brightness of Illuminated Advertisements (2015).

Reason: The above is required in the interest of public safety and visual amenity.

9. The development hereby approved shall not be carried out other than in accordance with the following approved plans/documents:

607.02 Rev. A

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

Agenda Item 5i

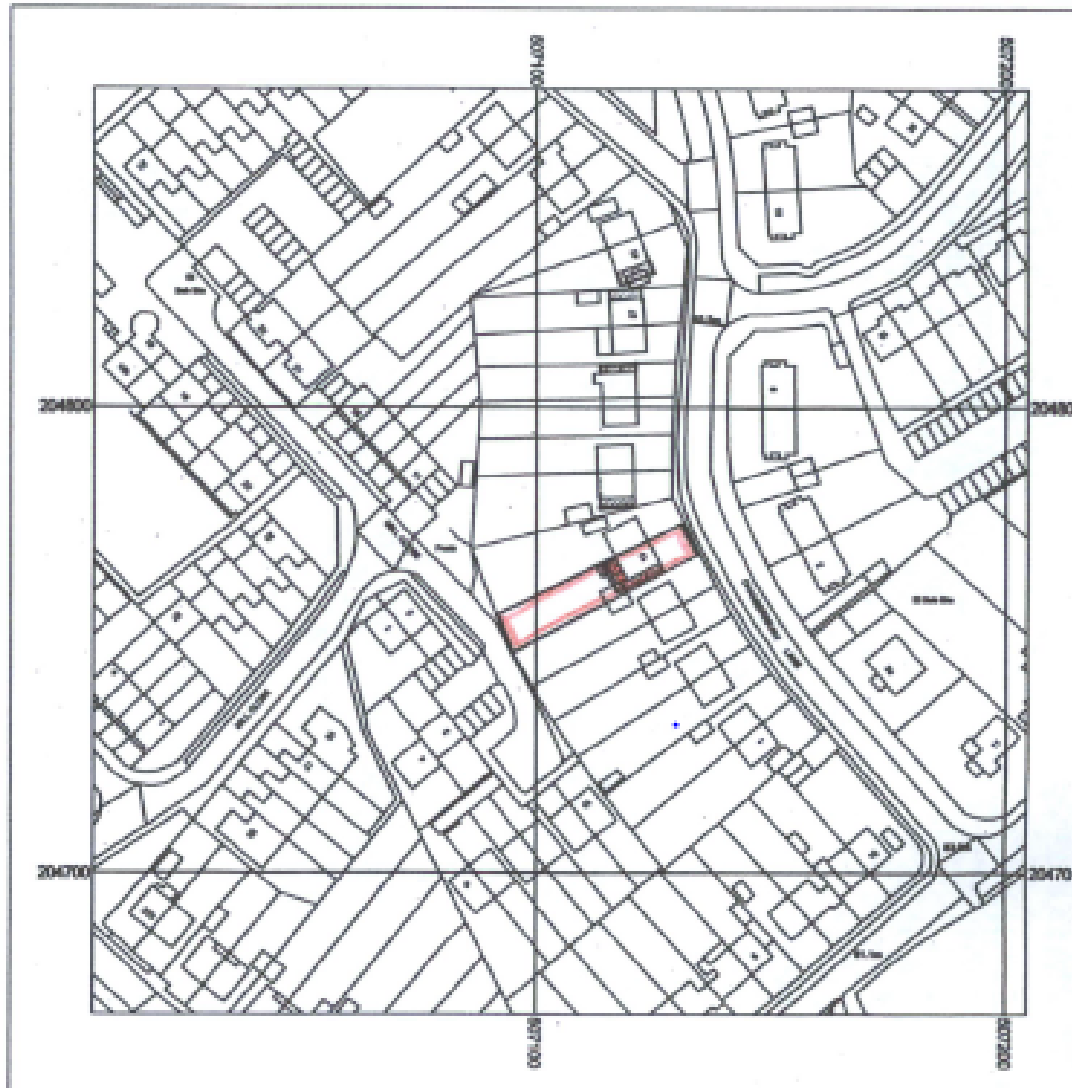
Item 5i

4/00438/17/FHA – PROPOSED FLANK AND REAR EXTENSION

13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY

NATIONAL
MAP CENTRE

OS Plan B&W

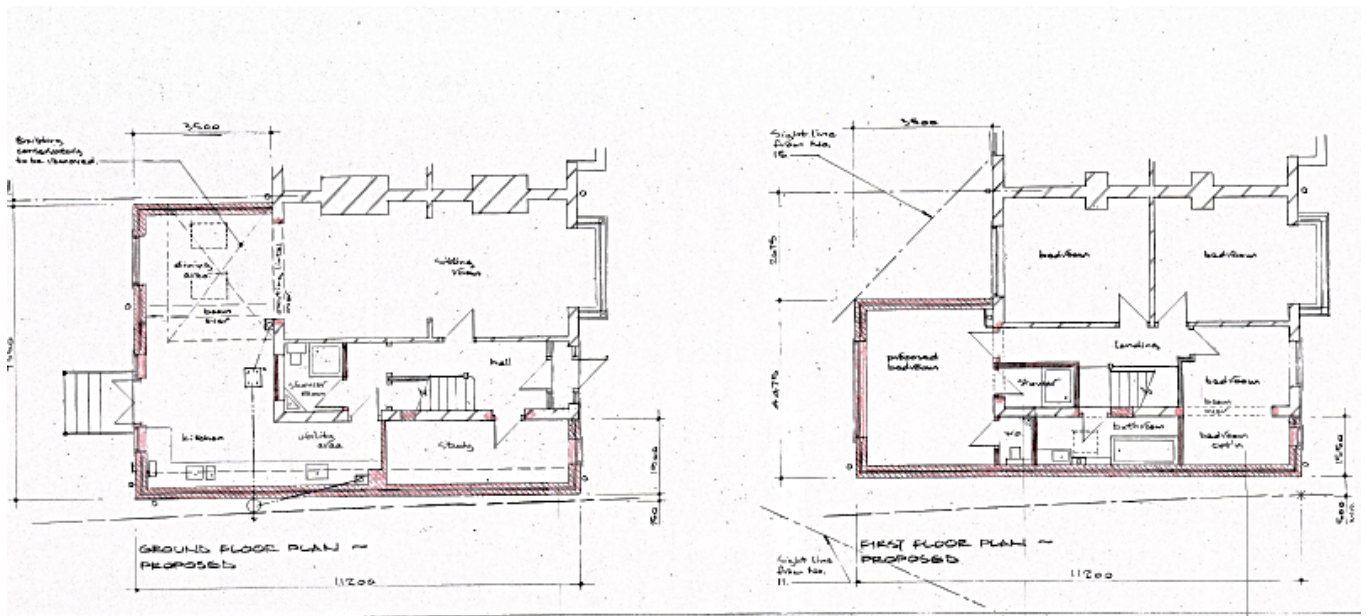
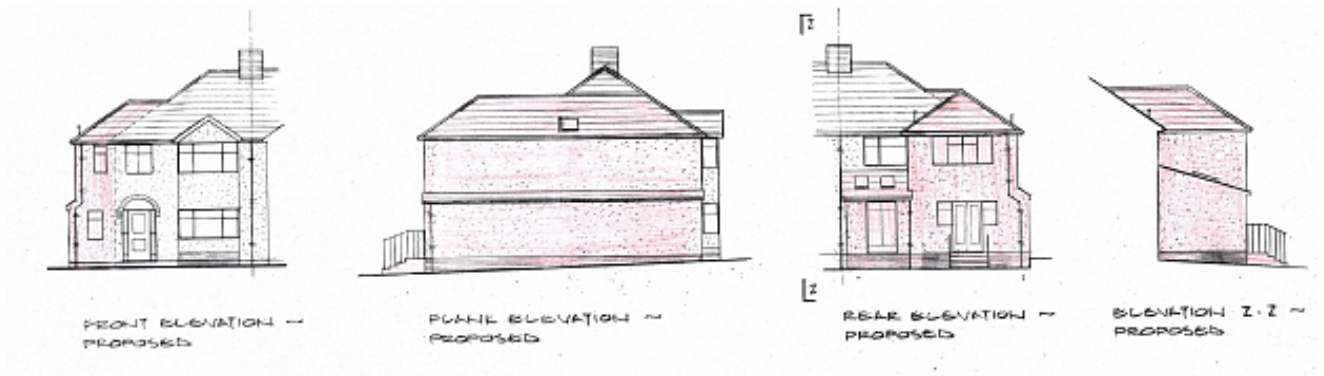


13 Chambersbury Lane

Item 5i

4/00438/17/FHA – PROPOSED FLANK AND REAR EXTENSION

13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY



**4/00438/17/FHA - PROPOSED FLANK AND REAR EXTENSION.
13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY.
APPLICANT: MR M AHMED.**

[Case Officer - Rachel Marber]

Summary

The proposed two storey side extension and part single, part two rear extension would not detriment the visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS11 and CS12 of the Core Strategy (2013), and the NPPF (2012).

Site Description

The application site features a two storey semi-detached dwelling located on the west side of Chambersbury Lane which falls within the Nash Mill Area Character Appraisal (HCA19). Chambersbury Lane curves to adjoin Meadow Road, Pond Road, Highbarns Road and Bunkers Lane. The immediate section of Chambersbury Lane is predominantly characterised by semi-detached properties of similar character, build line, size and architectural detailing; the overall character of the area is evident.

Proposal

The application seeks permission for the construction of a part single, part two storey rear extension and two storey side extension. The proposed alterations would increase the dwelling size from a three to four bed property.

The proposal has been amended to set the first floor of the side extension away from the side boundary by 0.5 metres and reduce the single storey rear extension's depth by 2 metres to 3.5 metres.

Referral to Committee

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

Planning History

4/01729/16/FHA DETACHED GARAGE
Granted
23/08/2016

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

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

Saved Policies of the Dacorum Borough Local Plan (2004)

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

Supplementary Planning Guidance (2004)

Nash Mills Area Character Appraisal (HCA19)

Constraints

Established residential area of Hemel Hempstead
Highbarns (inner and outer zones)

Summary of Representations

Comments received from consultees:

Nash Mills Parish Council

'**object**' as they consider:

1. That the site would be overdeveloped due to the proposed layout, height and bulk.
2. The finished development would have a detrimental impact on the street scene and of the existing character of the road.
3. The finished development would have a detrimental impact on neighbouring properties with the proposed layout, height and density. Please note that the property on side of the proposed development is significantly lower due to the road sloping away.
4. The finished development would overlook neighbouring properties.

Contaminated Land

Historical maps show that the property is situated within the vicinity of potentially contaminative former land uses (plastics factory and mill). There exists the slight possibility that these activities may have affected the application site with potentially contaminated material. Therefore I recommend that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Comments received from local residents:

15 Chambersbury Lane

Objection

I would like to express my concerns about the size of the proposed extension next door. These are small semi detached houses and I am concerned that a massive wall 3.7m high and 5.5m long could be built on our boundary. This would blot out all the light from the South to our main living room and turn the outlook dank and dark. I think that the size of the extension is inappropriate to a small semi.

No other house in the street has such a large extension and in no other house in the street does a double story extension extend beyond the line of the original rear wall.

Our houses are attached on the living room walls and we share flues making the natural orientation of the rooms towards this party wall. The view from our living room windows therefore will be dominated by the side of the proposed single storey extension. The height of this extension, raised to just below the upstairs window will be 3.7 metres and the length extending to 5.5 metres. The size of this extension will blot out a large amount of our sky view which in turn provides the light into our living room.

Key Considerations:

Principle of Development

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

Effect on Appearance of Existing Building

Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

The proposed side extension would be set down 1 metre from the existing ridge height and measure a maximum 1.5 metres in width and therefore would look subordinate in relation to the parent property; this would be in accordance with side extension design requirements outlined within Saved Appendix 7 of the Local Plan (2004) and the Nash Mills HCA19 Area Character Appraisal (2004).

Furthermore, the proposed scheme has been amended to feature a 0.5 metre first floor set in from the boundary with No. 11 Chambersbury Lane. This will maintain the separation distances

between properties and henceforth the open and suburban character appearance of the immediate area.

Due to the steep fall in land level the proposed rear extension would be marginally visible from the street scene of Mill Close. Nonetheless, the hipped roof form of the rear extension would remain subordinate in height in relation to the parent property and is considered an improvement in appearance to the existing single storey flat roofed extension.

As a result the proposal is not considered to have an adverse impact upon the character and appearance of existing dwellinghouse or immediate street scene. The proposal is therefore in accordance with saved appendix 7 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013), the NPPF (2012) and Nash Mills (HCA19) Area Character Appraisal SPG (2004).

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), all seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposal 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 first floor rear extension would not breach the 45 degree line as drawn from the rear habitable windows of Nos. 11 and 15 Chambersbury Lane. As such the proposal would not result in a significant loss of daylight or outlook to neighbouring residents. Similarly, due to no flank elevation windows on property No. 11 Chambersbury lane the proposed two storey side extension would not result in loss of outlook or light to any flank elevation windows. Due to the marginal proposed 3.5 metre depth and 4 metre ridge height the single storey rear extension is not considered to result in significant loss of outlook or daylight to No.15 Chambersbury Lane ground floor rear habitable windows.

No further loss of privacy or overlooking will result from the proposed extension due to no flank elevational windows proposed. Further overlooking to neighbouring rear gardens may result from the first floor rear extension however, this is an existing situation and an element of overlooking from first floor windows is expected in built up residential areas.

A 25 metre (approximate) deep garden would be preserved as a result of the rear extension, far exceeding the 11.5 metre deep standard outlined within Saved Appendix 3 of the Local Plan (2004).

As a result, in regards to residential amenity, the proposal is acceptable in terms of the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

Impact on Car Parking Provision

Policy CS12 of the Core Strategy (2013) seeks that to ensure developments provide sufficient parking. 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 Council's Parking Standards outlined within Saved Appendix 5 of the Local Plan (2004) requires three off street parking spaces for four bed dwellings within Residential Zone 3-4. The application seeks to increase the number of bedrooms from three to four, which would require an increase in parking provision. Nonetheless, on site provision is sufficient to accommodate at least two domestic cars. Furthermore, permission granted for a detached garage in August 2016 (4/01729/16/FHA) would provide three off street parking spaces, meeting maximum standards. As a result it is not considered that the proposal would impact upon the safety and operation of the adjacent highway. The proposal meets the requirements of Policy CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

Other Planning Material Considerations

i) 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. 13 Chambersbury Lane.

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 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 no longer a case to withhold the grant of planning permission for extensions in the Highbarns Inner Area due to unknown land stability issues.

ii) Consultation Response

Several concerns were received as a result of the application. The main concerns are addressed below:

Overdevelopment of site - Overdevelopment is assessed in terms of the impact of the proposed works on external amenity provision, relationship to site boundaries and number of car parking spaces. As a result of the proposed works the separation distance to neighbouring boundaries would be retained to a level expected for semi-detached properties within a urban area with a 0.5 metre distance retained at first floor level to property No. 11 Chambersbury Lane, parking provision would remain sufficient to meet maximum standards and external amenity provision of a approximately 25 metres deep garden would be retained. The proposal cannot be described as overdevelopment of the site.

Visual impact to street scene- this has been addressed in visual amenity above.

Impact to neighbouring properties, in terms of overlooking and loss of outlook- this has been addressed within the residential amenity section above.

Loss of outlook and daylight to No.15 Chambersbury Lane as a result of the ground floor rear extension- The proposed single storey rear extension has been amended to project 3.5 metres. It is important to note a rear extension 0.3 metres shorter in depth would be permitted without formal planning consent under Class A of the GDPO (2015).

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:**

1619/1B

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

Informative 1 - Article 35 Statement

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

Informative 2 - Contaminated Land

It is recommended that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Informative 3 - Carrying out Development in the Highbarns Chalk Mines Outer Area and Land Stability Informative

The Government advice confirms 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.

The carrying out of development in the Highbarns Outer Area is at the risk of the developer as the Council does not have any information relating to ground stability in the Outer Zone. If the developer / landowner is concerned about possible ground instability, consideration should be given by the developer / landowner in commissioning a ground stability report.

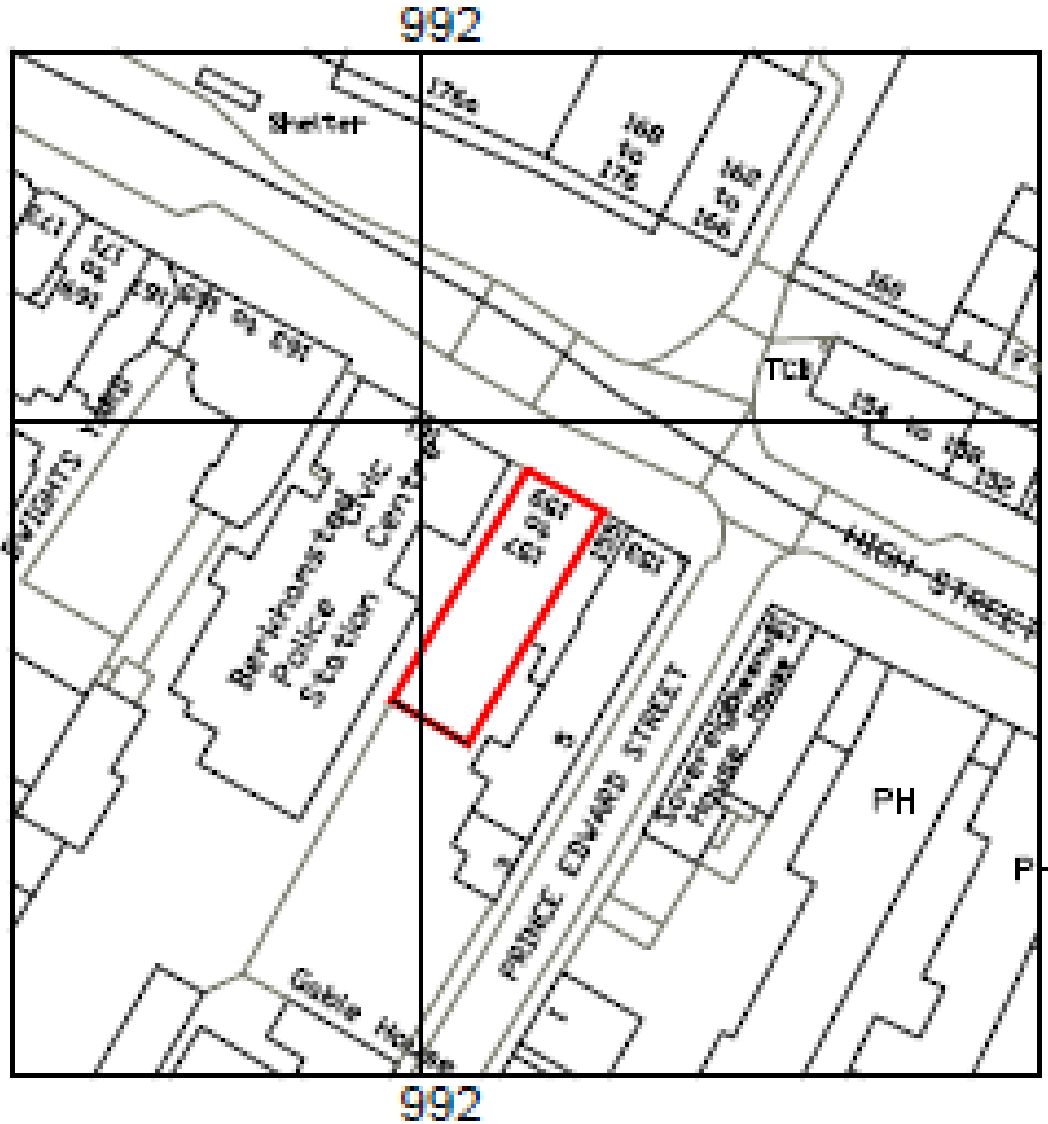
- 3 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

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

Item 5j

4/00280/17/ADV – ILLUMINATED PROJECTING SIGN. SUSPENDED PROJECTING NAME SIGN WITH PAINTED STEEL FRAME AND INSET CERAMIC TILED PANEL AND PAINTED LOGO.

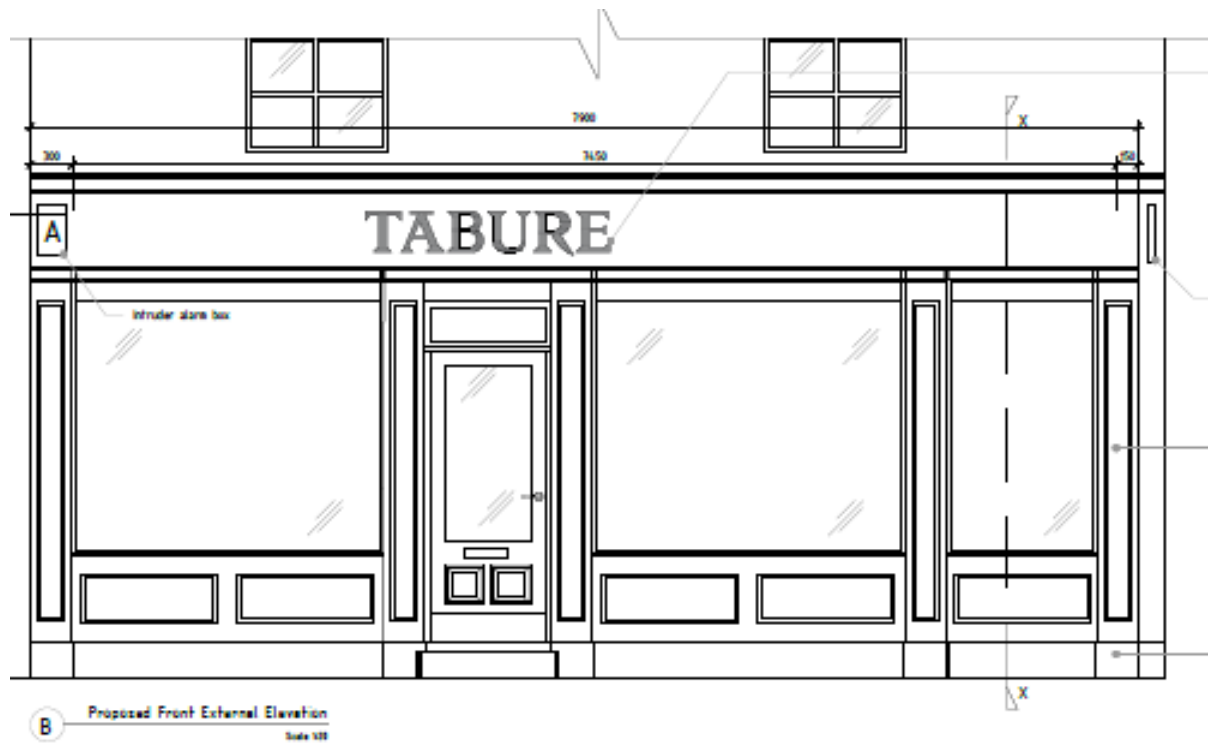
157-159 HIGH STREET, BERKHAMSTED, HP4 3HB



Item 5j

4/00280/17/ADV – ILLUMINATED PROJECTING SIGN. SUSPENDED PROJECTING NAME SIGN WITH PAINTED STEEL FRAME AND INSET CERAMIC TILED PANEL AND PAINTED LOGO.

157-159 HIGH STREET, BERKHAMSTED, HP4 3HB



4/00280/17/ADV - ILLUMINATED PROJECTING SIGN. SUSPENDED PROJECTING NAME SIGN WITH PAINTED STEEL FRAME AND INSET CERAMIC TILED PANEL AND PAINTED LOGO.

157-159 HIGH STREET, BERKHAMSTED, HP4 3HB.

APPLICANT: Tabure Limited.

[Case Officer - Rachel Marber]

Summary

The two proposed shopfront advertisement signs to Number 157-159 Berkhamsted High Street would not detrimental affect the visual appearance of the surrounding street scene, conservation area or the safety and operation of the highway and passing pedestrians. Thus, the proposal adheres with Policies CS11, CS12 and CS27 of the Core Strategy (2013), saved Policies 112 and 120 of the Local Plan (2004), the NPPF (2013) and the Supplementary Guidance for Advertisements (2004).

Site Description

The application site is located to the southern side of Berkhamsted High Street. The application site comprises of a ground floor retail unit falling within A3 use and within the Berkhamsted conservation area.

The surrounding area is characterised by late 19th century terraced properties of relatively uniformed architectural style, size, height and build line. The overall character of the area is evident.

Proposal

Advertisement Consent is sought for the following:

- Fascia Signage: made from natural copper with white LED halo lighting.
- Projecting Sign: made from steel with white ceramic tiles with vinyl graphics and recessed LED lights.

Referral to Committee

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

Relevant Planning History

No Relevant History

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan (1991)

Policy 112 - Advertisements
Policy 120 - Development in Conservation Areas
Appendix 3 - Gardens and Amenity Space

Supplementary Planning Guidance (2004)

Supplementary Guidance for Advertisements

Summary of Representations

HCC 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:

The proposals are not considered to result in any adverse impact on the public highway, subject to the conditions and informative note below

CONDITION

1. The intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals in PLG05 The Brightness of Illuminated Advertisements (2015).

Reason: The above is required in the interest of public safety and visual amenity

Reason: The above condition is required in the interest of public safety and visual amenity.

2 Projecting Signage. The projecting signs must be at a height of, or greater than, 2.1 m vertically above the footpath and no less than 500 mm horizontally from the edge of the carriageway.

Reason: The above condition is required in the interests of pedestrians/highway safety and in accordance with Roads in Hertfordshire: A guide for new developments, 3rd edition, Sect 4, Ch 1, (1.9).

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

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

INFORMATIVE NOTES:

The erection of a projecting sign overhanging the public highway shall also require a license agreement under S177 of the Highways Act 1980. Prior to commencing the installation of the projecting sign the applicant shall contact Highways, Telephone 0300 1234047 to obtain the

requirements on the procedure to enter into a license agreement under section 177 of the Highways Act 1980. This should be carried out prior to any development work being carried out.

Reason: To ensure the safety of highway users and indemnify Hertfordshire County Council against any claims arising from the projecting sign over the highway.

COMMENTS:

This application is for: Removal of existing door canopy, installation of retractable awning and illuminated projecting sign. Suspended projecting name sign with painted steel frame and inset ceramic tiled panel and painted logo

The site is on High Street Berkhamstead, which is an "A" classified Principal Road, with a speed limit of 30 mph and high pedestrian traffic. There has been one serious accident in the vicinity of the site in the last 5 years.

As the projecting signs are new ones and do not replace an existing signs, a licence is required for their installation. CONCLUSION:

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway, subject to the conditions and advisory notes above.

DBC Conservation

157-159 High Street comprises a circa 19th century property with a 19th century shopfront at ground floor level, this is divided into 2 separate retail units. The restaurant is to occupy the larger retail unit. The whole shopfront has recently been painted a dark grey colour.

The removal of the curved canopy over the entrance door is welcomed.

An awning, the full width of the shop front is proposed. Awnings can be an acceptable addition to a shopfront but in this case the awning cassette is to be attached to the centre of the fascia (half way up) which is not a traditional choice of location. This means the fascia will not be able to include the business name (which is the most common use of the fascia). Also an awning is usually attached below the fascia, in which case it might need to be installed in sections, rather than be continuous (to avoid any alteration to the existing shopfront). Sometimes awnings can be located along the upper part of the fascia, this may be an option.

Further details of the awning are required, including its colour (and the colour of the awning cassette) and any text on it.

The proposed illuminated sign is acceptable.

Recommend the application is amended and the location of the awning is changed or alternatively the awning is omitted.

Herts Archaeology

No Comment

In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.

Berkhamsted Town Council

Objection

This building is situated in the Conservation Area and internally illuminated signage should not be allowed. The retractable awning is also a CONCERN in the Conservation Area because of its size. A more modest door canopy would be acceptable. Policy 120; P113.

Constraints

Established residential area of Berkhamsted

- Berkhamsted Conservation Area
- Area of Archaeological Significance

Key Considerations

The main issues of relevance to the consideration of this application relate to the impact of the proposed advertisements upon the character and appearance of the street scene and conservation area, in addition to highway and pedestrian safety.

Effect on Appearance of Existing Building and Conservation Area

Saved appendix 7 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height. Paragraph 64 of the NPPF states that permission should be refused for developments of poor design which fail to improve the character and quality of an area. Policies CS27 of the Core Strategy (2013) and saved Policy 120 of the Dacorum Local Plan (2004) reinforce this, in addition to stating that great weight should be given to the conservation of designated heritage assets in considering the impact of proposed developments within a conservation area.

Furthermore, saved Policy 112 of the Local Plan (2004) and supplementary planning guidance for Advertisements (2004) states that advertisements should be sympathetic in size, appearance, design and position to site on which it is displayed.

The proposed advertisement signs would not impact the appearance of the property in terms of being of a size and design expected for an A3 use and High Street area. The proposed design and scale (0.6 metre height, 0.40 metre width and 0.06 metre depth) of the projecting sign would be of marginal size that it would appear neatly subordinate in relation to the shop front elevation. Furthermore, the Facia sign would be centrally position and sized in relation to the shop front door. Both advertisement signs would sit at 2.99 meters above ground. As such, the proposed advertisements would not result in a visually prominent feature when considered in conjunction with the scale and nature of the host building and the context of the site.

It is further considered that the steel advertisement sign and copper facia sign would appear congruous with the repainted (downpipe grey) shopfront. The DBC conservation officer was also consulted on the proposal and raised no objection to the two proposed advertisement signs and associated illumination.

The proposed illumination of both signs would be of 1100 cdm/sqm, well within the accepted specification (the highest daytime illumination level that is acceptable is 5000 cdm/sqm). As such, the proposed illumination would meet the criteria of PLG05 The Brightness of Illuminated

Advertisements (2015) and it is considered that the level of illumination is appropriate for the scale of advertisements proposed.

Therefore, it is considered that the proposed advertisement signs would not impact upon the character and appearance of the Berkhamsted conservation area, or existing building. The proposal is therefore in accordance with saved appendices 3 and 7 and Policy 120 of the Dacorum Local Plan (2004), Policies CS11, CS12 and CS27 of the Core Strategy (2013), the NPPF (2012) and Supplementary Guidance for Advertisements (2004).

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact on neighbouring properties and their amenity space.

The application site is located on Berkhamsted High Street with no residential properties immediately adjacent or above the premise. As such, the proposed illuminated advertisement signs are not considered to impact upon the residential amenity of adjacent neighbours.

Impact on Highway and Pedestrian Safety

Saved Policy 56 of the Local Plan (2004) states that the illumination of advertisement displays must be appropriate to the site location and should not distract highway users. Hertfordshire Highways were subsequently consulted on the proposed advertisement signs in this regard and raised no objections subject to the advised conditions and informatives.

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

1. This consent is granted for a period of five years commencing on the date of this notice.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. No advertisement shall be sited or displayed so as to: -

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);**
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or**
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

7. The intensity of illumination shall be controlled at the level as illustrated and described on the submitted plans/ application form and is to be retained such that it will not cause glare beyond the site boundaries.

Reason: In the interest of public safety and visual amenity, in accordance with policies CS11 and CS12 of the Dacorum Core Strategy (2013) and saved policies 56 and 112 of the Dacorum Local Plan (2004).

8. The development hereby approved shall not be carried out other than in accordance with the following approved plans/documents:

**Fonteyne Signs
800 C1**

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

Informative

1.) The erection of a projecting sign overhanging the public highway shall also require a license agreement under S177 of the Highways Act 1980. Prior to commencing the installation of the projecting sign the applicant shall contact Highways, Telephone 0300 1234047 to obtain the requirements on the procedure to enter into a license agreement under section 177 of the Highways Act 1980. This should be carried out prior to any development work being carried out.

2.) All areas for parking and storage and delivery of materials associated with this scheme should 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.

6A. APPEALS LODGED

- 4/00086/17/ENA MR & MRS K DOLLMAN
APPEAL AGAINST ENFORCEMENT NOTICE - RETENTION OF AMENITY
LAND AS RESIDENTIAL GARDEN
1 CHEVERELLS CLOSE, MARKYATE, ST ALBANS, AL3 8RJ
[View online application](#)
- 4/01641/16/FUL Banister c/o Agent
EQUINE REPRODUCTION AND REHABILITATION CENTRE - COMPRISING
A MAIN BUILDING ; BARN ; OFFICE ; HORSE BOXES ; STAFF AREA;
STORAGE BARN ; QUARANTINE BARN AND MENAGE.
LAND AT (ADJ HARESFOOT FARM), HARESFOOT PARK, CHESHAM
ROAD, BERKHAMSTED, HP4 2SU
[View online application](#)
- 4/02205/16/FUL Williams
PART DEMOLITION OF EXISTING STORE AND GARAGE, EXTENSION
AND SUBDIVISION OF EXISTING DWELLING FORMING LINKED NEW
DWELLING. ALTERATIONS TO LANDSCAPING PARKING AND
CROSSOVERS
24 NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED,
HP4 1NU
[View online application](#)

B. WITHDRAWN

- 4/00759/16/MFA B&M Care
PROPOSED REAR EXTENSION TO PROVIDE AN ADDITIONAL 21
BEDROOMS AND A NEW GP DOCTOR'S SURGERY
32 HIGH STREET, KINGS LANGLEY, WD4 8AA
[View online application](#)

C. FORTHCOMING INQUIRIES

- 4/02321/16/ENA Eames
APPEAL AGAINST ENFORCEMENT NOTICE - CHANGE OF USE OF BARN
FOR VEHICLE STORAGE AND CREATION OF HARDSTANDING
PIGGERY FARM, HAMBERLINS LANE, NORTHCHURCH, BERKHAMSTED,
HP4 3TD
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00562/16/LBC

Mr & Mrs Pritchard
SINGLE STOREY REAR EXTENSION, REPLACEMENT WINDOWS AND
INTERNAL ALTERATIONS

OCTOBER COTTAGE, ROMAN ROAD, NETTLEDEN, HEMEL HEMPSTEAD,
HP1 3DQ

[View online application](#)

The appeal is dismissed. There is no disagreement with regard to the proposed replacement of the external timber cladding and windows. Consequently the main issue is whether the proposed single storey rear extension and internal alterations would preserve a listed building and would preserve or enhance the character or appearance of the Nettleden Conservation Area.

The Inspector concludes that the extension would project beyond the rear elevation of the historic cottage, and also above the sills of the first floor windows, thereby creating an awkward relationship with both the existing extensions and with the historic host. This harm would be exaggerated by the continuation of the extension around the side of the house. The complexity of the form of the extension would be unacceptably different to the simple, traditional rear elevations of the host building and the other cottages in the terrace.

This harm would be exaggerated by the provision of a crown roof. Along with the fenestration pattern, the extension would be very different to the style of the cottages of the terrace and also to that of the existing extensions. Whilst the large areas of glazing separated by oak timbers would have a light-weight appearance, the substantial width of the proposal and the repeated glazing pattern would be an unacceptable contrast to the void / walls ratios of the historic buildings and also to that of the modern extensions to October Cottage. The introduction of these differences would be a harmful contrast to the plain and modest appearance of the cottages, and would thereby erode the historic character and appearance of the conservation area.

For the reasons given the proposed extension would unacceptably harm the special interest and the settings of a listed terrace, nor would it preserve or enhance the character or appearance of a conservation area.

4/02048/16/MOA

E. J. WATERHOUSE AND SONS
PROPOSED DEVELOPMENT OF 12 SEMI-DETACHED HOUSES AND
REUSE OF APPROVED ACCESS ROAD
89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1 1TA

[View online application](#)

The appeal was dismissed on grounds that the proposal would result in a dominant urban development that would not relate to its context. The Inspector noted that properties on Sunnyhill Road have noticeably long rear gardens whilst the allotments and recreational ground beyond the western boundary of the site are generally open with the absence of significant built development and the area has a generally open and verdant character. He noted that the density guidelines within the character area relate to an area wider than the appeal site's context and assessing the scheme's impact on the character and appearance of the area purely on density would ignore other site specific factors.

Despite replacement soft landscaping, he considered that there would still be extensive hard surfacing in the proposed development due to the restrictive space between the highway and the dwellings. There would also be limited space along the western boundary between the dwellings at first floor level to allow the backdrop of the allotments and wooded hillside to feature in the new street scene and, furthermore, the layout of the dwellings would give rise to an overly regimented and repetitive pattern of development, out of keeping with the more varied siting and design of dwellings in the area. Even with a possible low pitched

roof, the siting of a triple garage at the end of the access road would also result in a 'closed-in' urban feel to the development because of its size and extent of car parking in front. The proposal would therefore be an overdevelopment.

Whilst the Inspector noted the reductions in site coverage and floorspace compared to the earlier dismissed scheme for 25 dwellings, the increased distance from the western boundary, the additional car parking provision and the greater scope for landscaping, nevertheless he considered the appeal proposal overly urban in design and detrimental to its context for the reasons indicated. In the round, the proposal would be contrary to the development plan and would not be outweighed by the affordable housing contribution which would be small because of viability issues as a result of abnormal construction costs. The Inspector therefore considered it would not be sustainable and that there are no other identified material considerations to outweigh the development plan conflict identified.

F. ALLOWED (PARTIAL)

4/02360/16/ENA MR MUBASHAR HUSSAIN
APPEAL AGAINST ENFORCEMENT NOTICE
17 TANNSFIELD DRIVE, HEMEL HEMPSTEAD, HP2 5LG
[View online application](#)

The Council served an Enforcement Notice in relation to the creation of a second dwelling (instead of the two-storey side extension approved), the raising of the roof, the construction of a large rear dormer and the external rendering of the property. Overall, the Inspector dismissed the appeal in respect of the creation of the second dwelling (and therefore requires the internal layout of the property to return to that approved for the two-storey side extension) and the rear dormer (requiring its removal). Conversely, the Inspector allowed the raising of the roof and the external rendering to remain.

Now looking at each ground of appeal in turn. Firstly, in respect of the ground (b) appeal the Inspector concluded that the alleged change of use to two dwellings had occurred as a matter of fact. The Inspector noted that the two-storey extension contained all the necessary facilities for everyday living, as well as its own staircase to the first floor. Furthermore there were no interconnecting doors or internal access between the extension and the original dwelling. The Inspector concluded that in terms of the physical layout of the development there appeared to be two separate dwellings in a semi-detached arrangement. The Inspector also agreed with the Council regarding the nature of the use, concluding that occupation by family members, in itself, would not amount to an ancillary use. The Inspector found little evidence of a functional link between the extension and the original house. The fact that the extension does not have its own separate amenity area, parking area or separate curtilage did not alter the Inspector's conclusion. Nor did the fact that the extension would share the postal address of the main dwelling and that utilities come from the original house, stating that these are matters that are not conclusive of a use that cannot be severed. The appeal on ground (b) failed.

In terms of the ground (c) appeal, that a breach of planning controls has not occurred, the Inspector quickly dismissed the appeal in respect of the operational dwelling and the material change of use to two dwellings. The Inspector also dismissed the appellant's argument in respect of the external rendering, stating as no planning permission was implemented, then the conditions allowing render, did not come into play. The Inspector, in any case, stated that a specific condition requiring matching materials (in this case to match the existing brickwork) took precedence over a more general condition requiring that works be carried out in accordance with the approved plans (in this case render). As such the ground (c) failed.

Moving now to the ground (a) appeal - 'the deemed planning application'. The Inspector agreed with the Council that there was inadequate parking and amenity space to provide for two dwellings. The Inspector also stated that the rear dormer window was a bulky, boxy and dominant feature in views along The Apple Orchard and therefore agreed with the Council that the dormer has a harmful effect on the character and appearance of the area. Conversely, the Inspector concluded that the raised eaves and ridge heights, and the use of external render (subject to a condition asking for details of the colour to be used) were acceptable in the context the roofscape and use of materials in the locality.

Finally, the Inspector dismissed the appellant's ground (f) 'lesser steps would overcome the harm' and ground (g) 'more time is needed to comply with the requirements' appeals.



**AGENDA ITEM:
SUMMARY**

Report for:	Development Management Committee
Date of meeting:	
PART:	I
If Part II, reason:	

Title of report:	Planning Code of Practice
Contact:	Mark Brookes (Solicitor to the Council and Monitoring Officer) Directline: 01442 228236, internal extension: 2226 Mark.brookes@dacorum.gov.uk
Purpose of report:	(1) To seek Development Control Committee approval to the revised Planning Code of Practice
Recommendation	(1) That the Development Control Committee consider the revised Planning Code of Practice for adoption by Council.
Corporate objectives:	The promotion and maintenance of high standards of conduct by Members of the Council will assist the Council in achieving its priorities of performance excellence and reputation and profile delivery. The Committee will also ensure that Members are accountable to the public for their actions and ensure that Members work within and comply with the Code of Conduct for Members.
Implications: 'Value For Money	There are financial and efficiency costs to the Council in having to deal with complaints made under the Code of Conduct. There are, therefore, value for money benefits

Implications'	to the Council in striving to ensure that complaints against Members are minimised are as far as possible and any complaints that are received are dealt with as cost effectively as possible.
Risk Implications	The risk to the Council in not having in place a robust local standards regime could mean that Members do not perform their role in the best interests of the public which could damage the Council's reputation for good governance and undermine public confidence in the Council as a whole.
Monitoring Officer	This is a report prepared by the Solicitor to the Council in his capacity as Monitoring Officer.
Consultees:	Senior Planning Officers have been consulted on the amendment to the Planning Code of Practice
Background papers:	Code of Conduct For Members Code of Conduct for Employees

Planning Code of Practice

1. The Planning Code of Practice was last adopted on 27th February 2008. It is therefore appropriate that the Code of Practice should be reconsidered and updated as many of its provisions are out of date and do not reflect current legislation or working practices.
2. Members will find annexed to this report a proposed revised Code of Practice which shows changes proposed by the Solicitor to the Council in red tracked changes.
3. The Legal Governance Team Leader and Deputy Monitoring Officer (Christopher Gaunt) will lead a discussion on the proposed amendments and Members are requested to read the Code of Practice in advance of the meeting and suggest any further amendments for consideration.
4. The revised Code of Practice was considered by the Standards Committee on 8 December 2016. Various amendments proposed by that Committee have been incorporated into the current draft.
5. The revised Code of Practice was last brought to Development Management Committee on 12 January 2017, when Members requested various amendments, which have now been incorporated.

6. Following consideration at Development Management Committee the Planning Code of Practice will be going to Council for final consideration and adoption.

PLANNING CODE OF PRACTICE

(Adopted by the Council 27 February 2008)

(reviewed November 2016)

(further revised April 2017)

1. Purpose of this Code

- 1.1 The main objectives of this Code are to guide Members, (and in what follows, Councillors will for the most part be referred to as "Members"), and Officers of the Council in dealing with planning-related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is, in addition to the Code of Conduct for Members, adopted by the Council under the provisions of the Local Government Act 2000. The purpose of the Code is to provide more detailed guidance on the standards to be applied specifically in relation to planning matters and to ensure that Officers carry out their responsibilities professionally and Members of the Development Management Committee are, and are perceived as being, impartial and accountable.
- 1.2 This review takes into account the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also the standards arrangements introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.
- 1.3 Reference will need to be made to other parts of the Council's Constitution, as appropriate, as it is not the purpose of this Code to duplicate extensively provisions in the Code of Conduct for Members, Code of Conduct for Employees, Protocol for Member/Officer Relations, Scheme of Delegation to Officers and Rules of Public Participation.
- 1.4 Relationship to the Members' Code of Conduct
 - 1.4.1 Members should apply the rules in the Members' Code of Conduct first, which must always be complied with, including the rules on personal and prejudicial interests, Disclosable Pecuniary Interests and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

1.4.2 Members should then apply the rules in this Planning Code of Practice, which seek to explain and supplement the Members' Code of Conduct and the law on decision-making for the purposes of planning control. If you do not abide by this Planning Code of Practice, you may:

1.4.3.1 Risk the council being challenged in the law courts on the legality of the related decision or maladministration; and

1.4.3.2 Put yourself at risk of a complaint being made to the Monitoring Officer/Standards Committee for breach of the Code of Conduct for Members, or a complaint being made to the police to consider criminal proceedings in relation to failure to disclose a Disclosable Pecuniary Interest.

2. The Rôle of Officers

2.1 In reporting to Committee on non-delegated applications, Officers shall:

2.1.1 provide professional and impartial advice;

2.1.2 make sure that all information necessary for a decision to be made is given;

2.1.3 set the application in the context of the Development Plan and all other material planning considerations;

2.1.4 include the substance of objections and the views of people who have been consulted;

2.1.5 provide a clear and accurate written analysis of the issues;

2.1.6 give a clear recommendation.

2.2 In making delegated decisions on applications, Officers shall:

2.2.1 act fairly and openly;

2.2.2 approach each application with an open mind;

2.2.3 carefully weigh up all the material planning considerations;

2.2.4 determine each application on its own merits in accordance with the provisions of the Development Plan and other material planning considerations;

2.2.5 ensure that the relevant report demonstrates that all the above requirements have been fulfilled;

2.2.6 state valid reasons for decisions.

- 2.3 The Council endorses the Royal Town Planning Institute Code of **Professional** Conduct, particularly the provision that Chartered Town Planners shall not make, nor subscribe to, any statement or report which is contrary to their own professional opinions. **As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.**
- 2.4 Subject to the rules for employees undertaking work for third parties, if an Officer who deals with any aspect of planning work has, or has had, any involvement with an Applicant, Agent or Interested Party on a personal basis, the Officer shall take no part in any work connected with the Applicant, Agent or Interested Party concerned.
- 2.5 Officers are also bound by rules relating to offers of gifts and hospitality contained in the Code of Conduct for Employees.

3. Discussions with Applicants/Representatives and Presentations

- 3.1 Local Authorities are encouraged by the Local Government Association and the National Planning Forum to enter into pre-application discussions with potential Applicants. In addition, negotiations and discussions are likely to be ongoing after an application has been submitted. Such discussions can often be interpreted by the public, and especially by objectors, as prejudicing the planning decision-making process. In order to ensure transparency and propriety, pre-application discussions shall normally be conducted between an Officer and a prospective Applicant without any Member being present, and in accordance with the following strictures:-
- 3.1.1 The Officer shall make it clear that the advice and discussions will not bind the Council and that any view expressed is provisional, on the basis that at that stage no formal consultation will have taken place in respect of the application;
- 3.1.2 The Officer shall give advice in a reasoned and impartial way based on the Development Plan and other material planning considerations;
- 3.1.3 The Officer shall indicate whether or not s/he will make the decision if an application is submitted;

3.1.4 The Officer shall make notes of any meeting and/or substantive telephone calls and keep them on file together with any documentation and correspondence, including emails, supplied by the prospective Applicant;

3.2 Pre-Application briefings involving members

3.2.1 The Assistant Director (Planning, Development and Regeneration) or the Group Manager (Development Management and Planning), in consultation with Member Support and the Chair or Vice Chair of Development Management Committee, will determine which applications will be considered suitable for pre-application briefings involving Members.

3.2.2 As a guide applications which have one or more of the following characteristics will be considered suitable:

- 50+ dwellings or more
- 10,000 sqm of industrial, commercial or retail floor space
- Wider corporate involvement by, or significance to, the Council
- Development of strategic significance e.g. wider regeneration benefits or transport infrastructure

3.2.3 These criteria could be reduced for development in villages, neighbourhoods or the rural area for 'locally significant or controversial' schemes, such as small housing development (under 50 dwellings) or a wind farm. Or in instances where the Assistant Director (Planning, Development and Regeneration), the Group Manager (Development Management and Planning) or Chair/Vice Chair of the Development Management Committee consider a pre-application briefings to be useful on a site.

3.2.4 All ward Members will be invited, along with the Development Management Committee, in addition to the officers of the Development Management and Planning team. A minimum of 7 days' notice will be given to all Members.

3.2.5 The briefing will be conducted as follows:

- The briefing will be chaired by a senior Officer such as the Assistant Director (Planning, Development and Regeneration) the Group Manager (Development Management and Planning)

or Team Leader (Development Management) who will introduce the purpose of the briefing and advise how it will be conducted.

- Officers will confirm that the discussions will not bind the Council

to make a particular decision and that views/opinions expressed are made 'without prejudice' to the future consideration of any application.

- Members will be advised as to the confidentiality status of the proposal.
- The developer will present their proposal (which will first have been viewed and approved by the relevant Officer(s)).
- The Officers will be given the opportunity to provide comments.
- Members will then be given the opportunity to ask questions and seek clarification, but care will need to be taken that personal views are not expressed.
- The chair of the briefing will summarise the key points and close the briefing.

3.2.6 Once the developer has left the briefing Members may advise Officers of any concern they have with the proposal and any elements they feel would benefit from negotiation. They will be guided by Officers on the scope of negotiation in accordance with Local Plan policy and other material considerations. Negotiations will be undertaken by Officers only.

3.2.7 The Case Officer will record the briefing and co-ordinate a minute of the briefing and/or formal pre-app response letter for the developer normally within 14 days. Members will receive a draft copy of the response in advance for any suggested amendments.

3.2.8 The note of the briefing and letter will be placed on the file at the earliest possible opportunity (taking account of the need for commercial confidentiality). The involvement of Members will be recorded in any subsequent Committee Report.

3.2.9 Members are at the briefing to learn about the proposals and process, to help identify issues to be dealt with by further submission and negotiation, but not to express any initial view for or against the proposal which may pre-determine their position to the extent that they will not be able to vote on the application should they be a Member of the Development Management Committee. Members may alert the applicant/developer to what they perceive as the likely (or

actual) views of their constituents but should be careful not to fetter their discretion.

3.2.11 Members should be aware of the confidentiality status of the proposal and to have regard to this in conducting further discussions with others, including constituents and other Members.

3.2.12 Members should avoid giving separate advice on the development plan or material considerations, as all the issues and relevant information may not be available at this early stage. Any advice should be given by Officers only.

3.2.13 Members should not be drawn into any negotiations. This should be done by Officers only.

3.2.14 Members attending pre-application briefings shall have undertaken such training as is felt appropriate in consultation with the Assistant Director (Planning, Development and Regeneration) or the Group Manager (Development Management and Planning)

3.3 In an exceptional case it may be appropriate for Members to receive a special presentation on a particular planning proposal or wider planning issues. It shall be made clear at the outset that no Member present whose rôle in the Council's decision-making structure is such that he or she would potentially be liable to make a decision subsequently on the proposal or issues concerned will offer any view or comment: such Member will be limited to asking questions of clarification. Subject to the relevant provisions of 8. below, other Members will be at liberty to express opinions as they will not be potentially liable to make any decision subsequently. An Officer shall be present at the presentation and shall make notes detailing Members' views, comments and questions and keep such notes on file. **Those present at the meeting should be advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.**

4. Exclusions from the Scheme of Delegation to Officers

- 4.1 Decisions relating to certain proposals for development by the Council, or affecting land or buildings in which the Council has an interest, or relating to certain proposals submitted by or on behalf of Members or Officers, are required to be reported to the Development Management Committee. Such proposals shall be subjected to the same rigorous examination as proposals submitted by other parties.

5. The Rôle of Councillors

- 5.1 In making decisions on planning matters, Members shall:
- 5.1.1 act fairly, openly **and impartially**;
 - 5.1.2 avoid inappropriate contact with interested parties;
 - 5.1.3 approach each application with an open mind;
 - 5.1.4 carefully weigh up all the material planning considerations;
 - 5.1.5 determine each application on its own merits in accordance with the provisions of the Development Plan and other material planning considerations;
 - 5.1.6 **demonstrate sound judgement and** ensure that valid, **evidenced and justifiable** reasons for decisions are clearly stated;
 - 5.1.7 vote as they consider appropriate and not along party lines.
- 5.2 Members shall refrain from personal abuse and bullying and party political considerations shall play no part in their deliberations. Members shall at all times be respectful to the Chairman of the Committee and to each other and to Officers and members of the public including Applicants, Agents, Objectors and Members of other Councils.
- 5.3 Members shall not give instructions to Officers nor place any pressure on Officers in order to influence the terms of a report and/or secure a particular recommendation on any planning matter.
- 5.4 Members shall ensure that all correspondence (including emails) with Officers, Applicants and Objectors are written using language which is professional and respectful. Members are reminded that all

correspondence is potentially disclosable to the public pursuant to a freedom of information request.

5.5 If any Officer has grounds to consider that pressure is being exerted upon him or her by any Member in relation to any particular planning matter, he or she shall forthwith notify the Monitoring Officer and the Assistant Director (Planning, Development and Regeneration) of the details of such matter and the Member's conduct.

5.6 Any criticism by any Member of any Officer in relation to the handling of any planning matter shall be made to the Assistant Director (Planning, Development and Regeneration) and shall not be raised in public.

5.7 Members shall not use, or attempt to use, their position improperly to the advantage or disadvantage of themselves or anyone else. **6. Lobbying**

6.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the planning committee. As the Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves". Lobbying, however, can lead to the impartiality and integrity of a councillor being called into question, unless care and common sense is exercised by all the parties involved.

6.2 It remains good practice that, when being lobbied, councillors (members of the Development Management Committee in particular) should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the relevant evidence and arguments.

6.3 ~~Lobbying can, unless care is exercised, lead to the impartiality and integrity of a Member being called into question. In its document "Probity in Planning" the Local Government Association stated "Councillors and members of the planning committee in particular, need to take account of the general public's (and the Ombudsman's) expectation that a~~ Planning applications will be processed and determined in a transparently open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision. ~~Members need to be mindful that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality.~~

6.4 To avoid compromising their position before receiving all the relevant information and hearing all the relevant evidence and arguments, Members shall:

6.4.1 not **determine** in advance of the consideration of the application by Committee whether they support or oppose a proposal unless they accept that this will mean that they may not take part in the decision (see paragraph 8 below);

6.4.2 restrict themselves to giving procedural advice, such as advising lobbyists to write to the relevant case officer and/or avail themselves of the public participation process;

6.4.3 explain they will only be in a position to make a final decision after having received all the relevant information and having heard all the relevant evidence and arguments at the Committee meeting itself;

6.4.4 advise the Monitoring Officer promptly of the existence of any lobbying activities or approaches which are felt by the Member to be undue or excessive

6.4.5 **explain to those lobbying or attempting to lobby that, whilst they can listen to what is said, it may subsequently prejudice their impartiality, and therefore their ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or confirm a clear point of view.**

6.4.6 **not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.**

6.4.7 **copy or pass on any lobbying correspondence you receive to the Group Manager (Development Management) at the earliest opportunity, including any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.**

6.5 Lobbying by Councillors:

6.5.1 **Members shall not become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or**

oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.

6.5.2 Members may join general interest groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.

6.5.3 Member shall not lobby fellow councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

6.5.4 Members shall not decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Material Submitted to Members by Applicants and Others

7.1 If a Member receives information or material from or on behalf of any party in connection with any planning matter s/he must establish with the Planning Officers whether the information or material has also been received by them. If it has not, the Member shall make it available as soon as possible to the Group Manager (Development Management)

7.2 Members shall otherwise report to the Group Manager (Development Management) any significant contact with the applicant and other parties, explaining the nature and purpose of the contact and their involvement in them, and ensure that this is recorded on the planning file.

8. Committee Meetings

When approaching a decision Members shall be mindful that the Principle of Integrity is defined in terms that:

“Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships”.

8.1 Declaration of Interests

8.1.1 The responsibility for declaring an interest lies with the individual Member.

8.1.2 Members of the Development Management Committee shall declare disclosable pecuniary interests and personal and prejudicial interests in planning matters in accordance with the Members' Code of Conduct.

8.1.3 Where a personal interest arises because a Member is a member of, or is in a position of control or management in, a body to which s/he was appointed or nominated by the Council or which exercises functions of a public nature, s/he need only declare the personal interest if and when s/he addresses the Committee on that item (unless s/he also has a prejudicial interest).

8.1.4 A Member with a disclosable pecuniary interest or a prejudicial interest shall declare it and move to the public seating area. Provided the Member has registered to make representations under the rules applicable to public participation, the Member shall be entitled to take a seat in the place set aside for public participation and shall then follow the rules for such participation.

8.1.5 In addition, a Member shall not seek improperly to influence a decision in which s/he has a disclosable pecuniary interest or a prejudicial interest.

8.1.6 If a Member has a disclosable pecuniary interest or a prejudicial interest in a planning matter which would normally be dealt with by Officers under the Scheme of Delegation, s/he shall not request that the matter be referred to the Committee for consideration.

8.1.7 Members who have business or other interests which may bring them into contact with the Council's planning system on a regular basis should not be considered for membership of the Development Management Committee.

8.2 Predisposition, Predetermination and Bias.

- 8.2.1 A Member is entitled to be predisposed about a particular matter. Predisposition is where a Member holds what may be termed a preliminary, or provisional, view and may have expressed such view publicly and, indeed, been elected upon the strength of it. **Such comments have an added measure of protection under the Localism Act 2011.** The critical point is that the Development Management Committee Member must have an open mind in relation to all the relevant information, evidence and arguments when participating in the decision-making process **and be prepared to reconsider their position in the light of all the relevant information, evidence and arguments.**
- 8.2.2 If a Development Management Committee Member is not prepared to be open-minded and to consider all the relevant information, evidence and arguments relating to a particular matter, or in any way gives the *appearance* of having decided in advance what stance to take at the meeting, that Member may be considered to have predetermined the matter or to be biased in relation to it. If that Member then participates in the decision-making process the Committee's decision may be ruled as invalid.
- 8.2.3 If a Member of the Committee has compromised his or her position by expressing views which indicate that he or she has already made up his or her mind on an issue before receiving all the relevant information and hearing all the relevant evidence and arguments, that Member shall make a declaration to that effect and take no part in the discussion, voting or decision. In such a case, the Member may speak as a member of the public or, where the Member represents the Ward affected, as Ward Member, subject to compliance with the public participation rules.
- 8.3 Any Member in any doubt about the declaration of interests or predetermination should seek the advice of the Council's Monitoring Officer or Deputy Monitoring Officer.
- 8.4 Members shall:**
- 8.4.1 come to their decision only after due consideration of all of the information reasonably required upon which to base a decision. If they feel there is insufficient time to digest new information or that there is simply insufficient information before them, request that further information. If necessary, defer or refuse.**

- 8.4.2 not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officer's introduction to the matter.
- 8.4.3 not allow members of the public to communicate with them during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- 8.4.4 ensure that they comply with the Council's procedures in respect of public speaking.

9. Development Management Committee Members who serve on Parish and Town Councils

- 9.1 Some Borough Councillors will also be Members of Parish or Town Councils. This situation can present problems where the Parish or Town Council is consulted on planning applications. This is often the stage when Borough Councillors come under pressure to indicate their support or objection in respect of a particular proposal. Of particular concern is the potential for a conflict of interest arising when a Member of both Councils votes on an application at a Parish or Town meeting prior to the relevant Borough Development Management Committee meeting. It would be quite conceivable that a Councillor in this position could end up voting in a different way when all the relevant information, evidence and arguments are made available at the Borough Committee meeting.
- 9.2 In order to avoid any potential conflict, it would be preferable for Borough Councillors not to serve on a Parish or Town Council's Planning Committee. If they cannot avoid that, and if they wish to participate in the Borough Committee's deliberations, they shall not vote or say anything which would create the impression that they have already made up their minds prior to the relevant Borough Committee meeting. In this way they will avoid being part of the formal process of submitting representations on planning applications to the Borough Council and so demonstrate their impartiality. To avoid any challenge, those Members who have expressed a definite view on an application and/or have voted shall act as indicated under 8. above.

10. Formal Site Visits

- 10.1 Formal site visits can be helpful in identifying features of a proposal which may be difficult to convey in a written report. Site visits may delay the decision on an application but, where there is a clearly identified benefit from holding one, they will be authorised by the Development Management Committee. The reason why a formal site visit was authorised will be recorded in the minutes.
- 10.2 Where a formal site visit is held, all Members of the Development Management Committee will be invited to attend. The local Member, if not serving on the Development Management Committee, will also be invited to attend. The relevant Town or Parish Council will be notified of any formal site visit and invited to send a representative. At least one Officer will be present at all formal site visits to conduct the proceedings and a record will be kept of attendance.
- 10.3 All those who attend a formal site visit do so on the understanding that such visits:
- 10.3.1 are fact finding exercises;
 - 10.3.2 are not part of the formal consideration of an application and public rights of attendance and participation do not apply;
 - 10.3.3 enable Officers to point out relevant features;
 - 10.3.4 enable questions to be asked for clarification;
 - 10.3.4 No discussion of the merits of an application shall take place on site and no lobbying/objection shall be permitted;
 - 10.3.5 No opinions or views should be expressed as to the merits or demerits of the application.
- 10.4 Any Member wishing to see any particular site on an individual, informal basis prior to a Committee meeting shall have due regard to the other provisions of this Code, for example paragraphs 5., 6. and 8. and such Member should seek to view the site from a public vantage point in the first instance.
- 10.5 Members should ensure that they report back to the Committee any information gained from the site visit that they feel would benefit all Members of the Committee.

11. Decisions Contrary to Officer Recommendations

- 11.1 There will be occasions when the Committee disagrees with the professional advice given by Officers. In such cases reasons shall be given for overturning Officer recommendations and, in the case of approval of a planning application recommended for refusal, the conditions to be imposed shall be specified.
- 11.2 When making a decision contrary to Officer recommendations, the reasons given by Members must engage with the recommendations and reasons of the Officer and explain the reasons for departure from those recommendations.
- 11.3 Members must be mindful that they are only entitled to take account of material planning considerations and must disregard considerations irrelevant to the question and legal context at hand and are to come to a decision after giving what they feel is the right weight to those material planning considerations.
- 11.4 Members shall make sure that if they are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that they clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded and must be supported by objective analysis and substantive evidence.
- 11.5 Members shall be aware that they are likely to have to justify any decision by giving evidence at a planning inquiry, appeal or other forum in the event of any challenge.

12. Training

- 12.1 Members of Development Management Committee shall undergo induction training and attend refresher training at regular intervals thereafter. Failure by a Member to attend formal induction training will disqualify that Member from sitting on the Committee. Failure to attend formal refresher training may result in a recommendation to full Council for the removal of a Member or Members from Development Management Committee. The Group Manager (Development Management), in consultation with the Chairman of Development Management Committee, shall formally review Members' training needs and monitor whether all training requirements have been met on an annual basis.