



Public Document Pack

# DEVELOPMENT CONTROL AGENDA

**THURSDAY 18 AUGUST 2016 AT 7.00 PM  
COUNCIL CHAMBER - CIVIC CENTRE**

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

#### Membership

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

For further information, please contact Katie Mogan or Member Support

## **AGENDA**

**1. MINUTES**

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

**2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

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

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

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

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

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

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

#### **4. PUBLIC PARTICIPATION**

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

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

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

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

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

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

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

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

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

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

- (a) 4/02678/15/FUL & 4/02679/15/LBC - LOXLEY FARM, CHAPEL LANE, LONG MARSTON, TRING, HP23 4QT (Pages 5 - 49)
- (b) 4/01801/16/FUL - LAND REAR OF 27-33, GROVE ROAD, TRING (Pages 50 - 88)
- (c) 4/00759/16/MFA - 32 HIGH STREET, KINGS LANGLEY, WD4 8AA (Pages 89 - 139)

- (d) 4/01420/16/FUL - 85 BUCKWOOD ROAD, MARKYATE, ST ALBANS, AL3 8JE (Pages 140 - 154)
- (e) 4/01629/16/OUT - THE CHILTERNES, 11 COVERT CLOSE, NORTHCHURCH, BERKHAMSTED, HP4 3SR (Pages 155 - 177)
- (f) 4/01482/16/FHA - 35 MARRIOTTS WAY, HEMEL HEMPSTEAD, HP3 9EN (Pages 178 - 183)
- (g) 4/01618/16/FHA - 73 ELLESMERE ROAD, BERKHAMSTED, HP4 2ET (Pages 184 - 190)
- (h) 4/01729/16/FHA - 13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY (Pages 191 - 207)
- (i) 4/01796/16/FUL - THE BUNGALOW, REDBOURN ROAD, HEMEL HEMPSTEAD, HP2 7BA (Pages 208 - 228)
- (j) 4/01743/16/FHA - KINGSMEAD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EN (Pages 229 - 240)

**6. APPEALS** (Pages 241 - 245)

**7. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms: That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the items in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during these items there would be disclosure to them of exempt information relating to:

## Item 5a

**4/02678/15/FUL & 4/02679/15/LBC – NEW BOUNDARY LINE TO DIVIDE THE EXISTING SITE & CREATE 3 NEW 4-BEDROOM LOW-ENERGY HOUSES TO THE LAND BEHIND LOXLEY FARM WITH ACCESS FROM ASTROPE LANE**

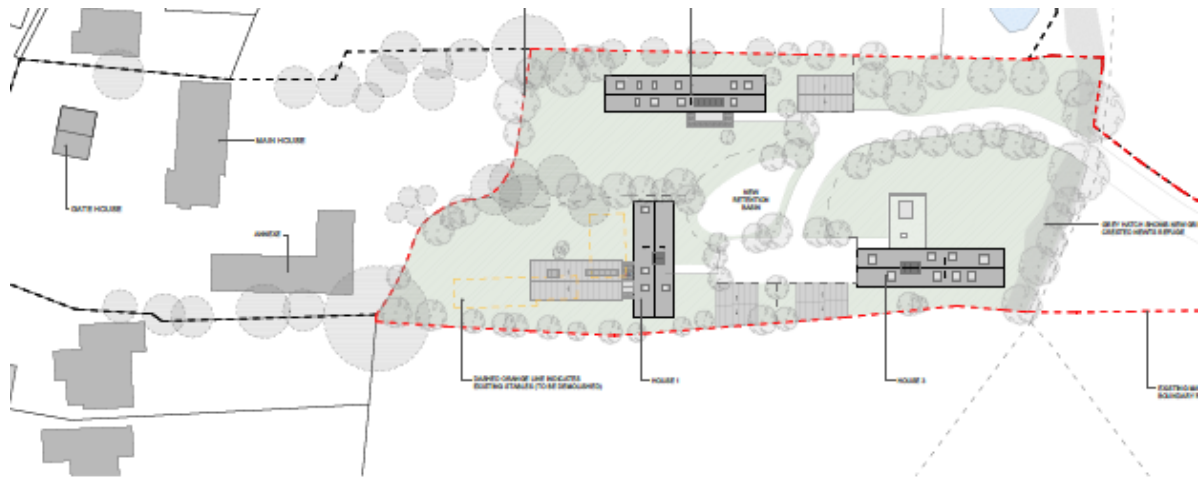
**LOXLEY FARM, CHAPEL LANE, LONG MARSTON, TRING, HP23 4QT**



Item 5a

**4/02678/15/FUL – NEW BOUNDARY LINE TO DIVIDE THE EXISTING SITE & CREATE 3 NEW 4-BEDROOM LOW-ENERGY HOUSES TO THE LAND BEHIND LOXLEY FARM WITH ACCESS FROM ASTROPE LANE**

**LOXLEY FARM, CHAPEL LANE, LONG MARSTON, TRING, HP23 4QT**



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LOXLEY FARM, CHAPEL LANE, LONG MARSTON, TRING, HP23 4QT.  
APPLICANT: Mr Wilson.**

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[Case Officer - Joan Reid]

### **Summary**

The applications are recommended for approval. The proposal of 3 new dwellings would introduce a small infill development located within the village boundary of Long Marston which is considered acceptable in principle in accordance with policy CS7. This development comprises a good quality design and layout and comprises satisfactory access onto the highway. The scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy policy CS17. Despite local opposition to this scheme as a result of Flooding, the applicant has worked alongside the Lead Flood Authority and the Environment Agency to overcome concerns in regards to flooding and drainage and it is considered that the scheme will adequately drain in times of flooding and would not give rise to further detriment to neighbouring properties. The proposal would not result in significant harm to the residential amenities of neighbouring properties or be detrimental to matters of highways safety. The scheme has been carefully designed to avoid harm to the original character and setting of the listed building and potential archaeological remains will be considered. The scheme is therefore in accordance with Core Strategy policies CS5, CS7, CS12 and CS13, CS27, CS29 and Appendices 3 and 5 of the DBLP.

### **Site Description**

The application site is located within the designated small village of Long Marston and comprises the rear garden of Loxley Farm which is a Grade II listed farm house. The site also comprises a listed gate house, separate annexe stabling and formal gardens and paddocks. The main access to the site is from the centre of the village. The site is located immediately to the rear of Long Marston Primary School and is bounded by dense boundary hedge and trees. Since the course of the application, it has been found that part of the site lies within Flood Zones 2 and 3. The site lies within conservation area and within the boundary of a designated small village of the rural area. A right of way cuts across the site.

### **Proposal**

The application seeks planning permission for erection of three new detached dwellings, together with new access, landscaping and car parking. The existing stable buildings are to be demolished and all three new dwellings are to be accessed independently from the main house via an existing site entrance off Astrope Lane. The proposed dwellings are two storey which take the form of L shaped barn house with modern additions. The houses are laid out to create an entrance courtyard.

### **Referral to Committee**

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

## **Planning History**

None recent

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

NPPG

### Adopted Core Strategy

CS7 - Rural Area

CS8 - Sustainable Transport

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS17 - New Housing

CS19 - Affordable Housing

CS25 - Landscape Character

CS26 - Green Infrastructure

CS27 - Quality of the Historic Environment

CS28 - Renewable Energy

CS29 - Sustainable Design and Construction

CS30 - Sustainability Offset Fund

CS31 - Water Management

CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58, 99 and 119

Appendices 3 and 7

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Affordable Housing (Jan 2013)

## **Summary of Representations**

### Tring Rural Parish Council

TRPC, would like to object to the above application for the following reasons:

- Flood Risk - the area where the proposed houses would be built is a flood plain. When Long Marston was flooded last year, the field (Dyers Close) through which the access road would come was under water, as was Marston Court, and we believe the garden of Loxley Farm, where the houses would be built. The Council and residents are concerned that if the water can no longer plain in this area, it will be pushed forward into the village at its lowest and most vulnerable point, where Chapel Lane meets station road. The impact of 9 bathrooms and numerous parking spaces is also likely to negatively impact the flooding situation along with the sewage situation which is also vulnerable at this point in the village.



- Trees - there are a number of mature trees in the area which the Council believe are both very beautiful and also help to stabilise the water helping to prevent flooding. The Council would like to take steps to preserve the trees in this area.
- School Access - the Council and residents were given the impression that alterations to the school access would be proposed alongside the development of new houses. The Council believe they may have been told about alterations to access in order to make them think more favourably on the application.
- The construction of the houses with cast concrete walls, is not in keeping with other houses in the area.
- The Council and residents are concerned that the development will have an impact on traffic coming down Astrope Lane, where people walk to school and where there is no pavement.

### Conservation and Design

There has been extended discussion and re-configuration of the three houses and, in terms of a 'courtyard' scheme that also keeps the views through to the listed farmhouse, I consider this has now reached an acceptable level in relation to scale, form and layout.

The key remaining issues for clarification are therefore:

- a) more information is required on the use of cast stone and its finish (colour, texture etc) and its justification in this sensitive position in the context of the village and farmhouse
- b) The interface between the upper storey cladding and this cast stone at ground level – the side elevations appear to show them as flush whereas front elevations show the upper cladding with some shading, as if the upper storey partly oversailed the ground floor.
- c) There is no rainwater provision and both of the above might be affected through differential weathering if there is no provision for this
- d) There is an extensive use of rooflights – I am not convinced this is necessary and that more restrained use would create a less 'busy' roofscape

### Historic England 10/08/2015

Thank you for your letter of 30 July 2015 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

### Recommendation

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

### Hertfordshire County Council – Lead Local Flood Authority 25/09/2015

This application has been passed onto me for consultation via Laura Leech in our Flood Risk Management Team. I understand the residents of Long Marston have asked the developer to undertake an FRA due to the existing flood risk issue within the village, which resulted in the LLFA undertaking a Section 19 flood investigation.

Having looked at the proposal, the development site area is over 1ha and therefore should have undertaken an FRA in accordance with the NPPF. This also makes the

proposal a 'major' application which means that the LLFA have a statutory duty to respond to the application as a result of the changes to the NPPG from the 15 April 2015.

I therefore wanted to provide you with a heads up that we will be objecting to the proposed development as the FRA is inadequate and therefore does not demonstrate that there is no increase in flood risk to the site and the surrounding area. As you can appreciate, due to the recent flooding, we need to be convinced in order to inform the LPA and residents, that the development will not increase flood risk and will provide a betterment.

I note that you are away until the 5 October 2015, I have therefore copied in Paul Newton in case the LPA needs to discuss anything prior to us sending you our formal response.

### Updated Summary and response to Flooding from applicant

#### **1.0 Introduction**

This addendum report has been written to provide a summary of the Flood Risk Assessment and SuDs reports that were produced for the proposed development of three dwellings at Loxley farm. The proposals and findings in these reports have led to both the Environment Agency and Local Planning Authority being in agreement and recommending the proposals for approval. It intends to further clarify any concerns that were previously raised and give an overview of measures being implemented to ensure no increased flood risk can occur at the site or elsewhere as a result of the proposals.

#### **2.0 Historic Flooding, Existing condition of the ditches and current defects**

Although there have been no historic incidents of flooding at the proposed development site, there have been incidents within the Long Marston area, and the following extract from the original FRA submitted as a part of this planning application is below:

*"A main river, known as the Tring Bourne, flows through the village and ultimately feeds the River Thame. The Section 19 Technical Assessment Report describes the source of the Tring Bourne being at the west of Startops End Farm near the junction of Watery Lane and Lower Icknield Road (B489). The watercourse is thought to be fed by groundwater and underwater springs. It then flows along the western side of Tring Road, entering a culvert and then flowing to the south of Chapel Lane, before flowing in a north westerly direction out of the village. The culvert was inspected in September 2010 and significant defects were identified, but no remedial work has been carried out to date.*

*An ordinary watercourse also flows along the eastern side of Tring Road (on the opposite side to the Tring Bourne). This watercourse then flows beneath the road and before it enters the Tring Bourne. There have been recorded flood events in the village dating back to 1978. The catchment is relatively flat and the lack of gradient means that flows can take some time to pass through the village.*

*Table 1 describes some of the recorded flood events in Long Marston. The most recent documented flooding was in February 2014, which resulted in damage to one commercial and at least five residential properties. Loxley Farm, Long Marston*

Flood Risk Assessment and Surface Water Management Summary and Addendum *Table 1 - Recorded flood events in Long Marston (extracted from Hertfordshire County Council Flood Investigation Report, November 2014)* The watercourses are reported as being in a poor state of repair with no maintenance having been carried out in the last 10 years, which has resulted in an accumulation of silt, debris and growth of channel and bankside vegetation. The Tring Bourne is not on the Environment Agency's maintenance programme.

*A review of the Environment Agency indicative modelling flood extent suggests that the maps do not accurately reflect where fluvial flooding will occur, which is confirmed by the Section 19 Technical Assessment Report. The maps are prepared on a strategic scale and do not accurately represent structures such as culverts. It is likely that the predicted flood extent was based upon the watercourse being an open channel, which is not the case. Flood water is likely to spill from the inlet to the culvert on Tring Road, and as described in the Section 19 technical assessment, from manholes along the culverted section of the Tring Bourne. The outlet of the culvert is also likely to be subject to flooding. The flood maps do not reflect where historic flooding has occurred in the village.*

*The Section 19 Technical Assessment identified 3 areas (Figure 6) where flooding was occurred, at low spots: to the west of Chapel Lane, the junction of Chapel Lane and Station Road and Tring Road (not as predicted by the Environment Agency fluvial flood maps). These areas of historic flooding reflect issues with the culvert. The flooding at Tring Road is at the same location as the inlet to the culvert, suggesting that the culvert has insufficient capacity to deal with flows in the watercourse, leading to flows backing up and spilling along the road. Chapel Lane has also flooded in the past as the road acts as a conveyance channel and flows floodwater then accumulates at a low point, at the western end of Chapel Lane. The other area where historic flooding has occurred is at the junction of Station Road and Chapel Road. The Section 19 Technical Assessment refers to overland flooding in Area 1 from the Tring Bourne (emerging from culvert manholes) and flooding from the open channel upstream. Surface water flooding from land to the northwest would also accumulate in this area, where highway drainage is reliant on the culvert.*

### **3.0 Surface Water Management (SuDs) Strategy**

The existing contributing impermeable area at the site is 290 m<sup>2</sup>, producing a peak run off of 21.7 l/s in a 1 in 1 year, storm event, and a peak run off of 108.6 l/s in a 1 in 100 year storm event plus 30% climate change allowance. This surface water run off enters the ditch, and during a 1 in 100 year, storm event including a 30% climate change allowance would produce a volume of 88.7 m<sup>3</sup>. The proposed contributing impermeable area at the site is 1090 m<sup>2</sup>, producing a peak run off of 35.6 l/s in a 1 in 1 year storm event, and a peak run off of 178.20 l/s in a 1 in 100 year storm event plus 30% climate change allowance. Due to a small portion at the south of the site being within a Flood zone 2 and 3, as shown on drawing number C1559-02 in Appendix B, as well as concerns from the parish council regarding existing flooding issues downstream from this development we have produced a surface water management strategy to ensure that any surface water flows from this development are managed and treated at source. The proposed layout of this surface water management strategy can be found on drawing number C1559-01 in Appendix B. Ground conditions are good for above ground SuDs (Sustainable Urban Drainage Systems) such as those

proposed at this site. Ground is sand and gravel up to 1.6 metres below ground level. Infiltration calculations show that the SuDs proposed will infiltrate all of the volume produced from the site for a 1 in 100 year plus 30% climate change storm event. However, storage will also be provided in these SuDs, over and above this for a second 1 in 100 year plus climate change storm event, should there have been several days of prolonged rainfall and whereby the ground has become saturated. The peak flow storage calculations provided in Appendix A show that 32.64m<sup>3</sup> of storage is required.

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This storage is provided as shown below:

Total from raingarden planters = 7.1 m<sup>3</sup>

Total from swales = 52.4 m<sup>3</sup>

Total from Pond = 23.14 m<sup>3</sup>

Total from pipe network and manholes = 3.5 m<sup>3</sup>

In order to ensure that no over land flows from the proposed development enter the adjacent site, these calculations include an allowance for the contributing area for any overland flows, and the actual volume of storage provided at the site is 86.14 m<sup>3</sup>.

Peak flow storage re-calculated for a greater storm event of 1 in 200 plus 30% Climate change event will require a storage of 40.5m<sup>3</sup>. Peak flow storage recalculated for a greater storm event of 1 in 1000 plus 30% Climate change event will require a storage of 65.9m<sup>3</sup>.

The flow leaving the site and entering the ditch has been reduced to 2.5 l/s, which is 106.1 l/s less than what would be entering the ditch from the existing site for a 1 in 100 year storm event. However due to the Sustainable Urban drainage system that has been proposed, it is very unlikely that any flows will leave the proposed development site, unless a storm with a greater magnitude of 1 in 1000 plus 30% climate change occurs, and this would have less than a 0.1% probability of occurring. All surface water calculations can be found in Appendix A.

The Surface water management strategy report includes a management and maintenance plan for all of the SuDs features proposed, however the ditch will also be managed and maintained regularly, and therefore also contributing to decreasing the risk of flooding downstream of the proposed development site.

#### **4.0 Flood Risk Assessment approved by the Environment Agency**

An original FRA (Flood Risk Assessment) was written by Nimbus Engineering Consultants Ltd in October 2015, as this was encouraged by the local authority due to residents having concerns regarding flooding within the area. The Environment Agency's (EA) online Flood map was consulted, and the proposed site location is shown as being in a Flood Zone 1, and this correlates with the fact that the Environment Agency had not originally asked for this FRA as a part of the planning

process.

The Environment Agency were consulted with the original Flood Risk Assessment, their response outlined that part of the southern boundary of the site was thought to lie within a flood zone 2 and 3, and flood mapping should be ordered to clarify this. They also outlined recommendations for mitigation measures including proposed ground floor levels for the new dwellings and that safe access and egress be provided to the proposed dwellings, in the event of extreme flooding. The new mapping data has been received and shown on drawing number C1559-02 in Appendix B. As can be seen from the drawing, the proposed dwellings are out with the flood zone 3 area, and within a Flood Zone 2 which has a 1 in 1000 year/0.1% probability of occurring in any given year.

The EA have asked for mitigation measures to be provided which are included in the original FRA report. As part of this they suggested that the ground floor levels be raised an additional 10cm from that previously proposed. These additional measures further ensure that a severe flood with just a 0.1% chance of occurring, would still not affect the fabric of the building.

It has been concluded that the proposed development does not impede any flood flows. The revised FRA has been approved by the EA as the proposed development will have absolutely no adverse effect on any existing historic flooding issues in Long Marston, and as such would represent no legitimate grounds for the application to not be approved. As discussed in section 2, the historic flooding issues in Long Marston are predominantly a result of existing and previously identified maintenance issues in the village, some of these issues, such as overgrown shrubbery in culverts would be significantly improved and remedied as part of the development. others however need to be formally and independently addressed and have no relevance to this application.

The surface water arising from this proposed development will be dealt with at source through the use of Sustainable urban drainage systems, which will not only provide treatment of the surface water run-off, but will also provide biodiversity and amenity value.

### **5.0 Flooding from Foul and Surface water sewers**

The parish council raised concerns about flooding from sewers within the vicinity of the site. Thames Water were contacted and had no reported sewer flooding incidents within the vicinity of the site. As discussed in section 2, the surface water leaving the site will actually be reduced to 0 l/s the majority of the time, and the foul flow from 3 dwellings is calculated as an average of 0.14 l/s which will not be significantly increasing the burden on the existing foul sewerage network.

### **6.0 Maintenance plans**

It is in everyone's interests that any flooding mitigation measures are maintained. The lack of maintenance to the existing culverts and resulting floods across the road is clear evidence of this. A management company will be formed, and a copy of the management maintenance plan for the SuDs measures at the proposed development site will be provided to ensure that there are no blockages of the system, and this plan will also include maintenance of the ditch adjacent to the proposed development site. As discussed previously this is currently in bad condition with overgrown shrubs which will impede surface water flows and reduce

the capacity of the ditch. The client is proposing to clear this ditch and to provide the management company with a maintenance plan to ensure that it is maintained regularly, and especially after extreme storms.

The culverted ditches along Chapel Lane (please refer to photos in Appendix C) are where there have been recorded overflows into roads. Whilst increasing flow rates at these locations, by unblocking infilled culverts, and keeping them clear should be heavily encouraged, the issue is being predominantly resolved by the implementation of this scheme. This is due to reducing the surface water run off leaving the site in extreme storms drastically being significantly reduced, as discussed in section 2. By implementing this scheme they are not only having a neutral impact on the village but actually reducing flood risk over all, at the site and in the vicinity of the site.

## **7.0 Summary**

Herts Environmental Agency has been working closely with the LPA and ourselves to ensure everybody is fully confident that any historic flooding issues are understood and that the proposals are indeed able to have a positive rather than negative effect. The Environmental Agency has also concluded that any potential flooding risk can be mitigated with the design proposals submitted and the specific conditions to be fully implemented prior to occupation.

They have concluded that the proposal and outlined conditions ensures the flow of flood water is not impeded and is not causing a loss of flood plain storage. This, therefore reduces the risk of flooding to the site and prevent flooding elsewhere.

**In conclusion, by implementing this proposed development the client is actually reducing flood risk issues within the Long Marston Area**

### Further response from LLFA dated 29/09/2015

Following clarification from the applicant submitted in an e-mail dated 29 September 2015 that the site boundary has been altered to reduce the development area below 1 ha, classifying the development as 'minor', we would like to revise our previous comments as we are not a statutory consultee for minor applications.

However due to the recent flooding issues within Long Marston which was subject to a Section 19 Flood Investigation, we have asked the LPA to consult us on this application for us to be able to advise the LPA if the proposed surface water drainage scheme is acceptable and will not increase flood risk to the site and the surrounding area and where possible provide a betterment.

We therefore offer the following advice to the LPA based on the FRA carried out by Nimbus Engineering Consultants reference C-1526 dated August 2015 submitted with this application.

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

As the proposed development is applying for full planning permission the proposed layout will be fixed once planning permission is granted. It is therefore important that

the above information is provided to ensure the proposed drainage scheme is designed at its optimum to maximise the opportunity for betterment and ensure there will be no increase in flood risk to the site and the surrounding area.

The majority of the existing development site is greenfield and therefore the proposed drainage should mimic the existing pre-development drainage within the site including providing greenfield run-off rates to reduce the strain on the existing drainage network within Long Marston. Long Marston village has a history of flooding as recently as 2014 and has been subject to a Section 19 Flood Investigation by the Lead Local Flood Authority. This has been acknowledged within the FRA.

The FRA has not provided any information on where the development site currently discharges to. We therefore cannot recommend to the LPA that the proposed drainage scheme is feasible. To do this the applicant needs to confirm the exact location of the existing method of surface water disposal from the site, undertake surface water calculations for the site area not just the proposed impermeable areas and demonstrate sufficient attenuation can be provided for all rainfall events up to and including the 1 in 100 year + climate change event.

The surface water calculations should demonstrate that there will be no flooding from the proposed drainage system at and below the 1 in 30 year rainfall event and cater for up to the 1 in 100 year + climate change event where possible. Any flooding from the system above the 1 in 30 year event should be shown on a development plan, showing the extent, depth and flow path of the flooding, demonstrating that it can be safely contained within the site. As there is currently no drainage plans and calculations we cannot recommend to the LPA that the site itself is not at risk from flooding from surface water from the proposed drainage system

If the current discharge point is to the main river which runs via a culvert under the existing entrance of the site, the applicant will need to confirm the condition of this discharge point, making sure it is fit for purpose. The proposed drainage scheme will also need to consider what will happen to the discharge of surface water if the main river culvert is at full capacity to assess the risk of water backing up in the system.

The applicant will need to provide a detailed surface water drainage plan showing the exact location of any proposed SuDS measures and any associated infrastructure showing how this serves all built areas including the access road. We recommend a minimum of two SuDS treatment stages should be provided for areas draining roads and driveways to mitigate the increase in diffuse pollution from the site.

As the area of Long Marston is already at risk of flooding from fluvial and surface water sources, there may be an opportunity in addition to providing greenfield run-off rates, to provide betterment to the flooding utilising the parcel of land containing the new access road. We ask that the applicant to consider this as part of the surface water drainage assessment.

We note that it has been assumed the underlying geology is clay based on BGS data and a local borehole within the vicinity of the site. It has also been acknowledged that there may be high ground water based on the findings from the Section 19 Flood Investigation. However neither of these assumptions has been confirmed. We recommend this should be assessed further as part of the surface water drainage assessment as this may affect the viability of the proposed drainage scheme and increase flood risk to the site and the surrounding area if it is not understood and managed properly.

As there is no topographical information and assessment of overland flows within the FRA, we are not able to identify the direction of where surface water currently flows, ensuring that any new development can manage these flows without increasing flood risk elsewhere. This information should also expand to identifying post development exceedance flows for rainfall events above the 1 in 100 year + climate change event, ensuring they can be catered for within and through the development site.

We acknowledge the proposals for the implementation of permeable paving and under drained swales which we consider to be sustainable drainage measures and consider both of these methods as treatment methods for mitigating any diffuse pollution. It should be confirmed whether these two methods are linked to provide 2 treatment stages for the surface water run-off from the development.

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage  
<http://www.hertsdirect.org/services/envplan/water/floods/surfacewaterdrainage/>

### **Informative to the applicant**

Please note any works taking place within and/or over the culvert or within 8m of the top of bank of the Main River will require prior written consent from the Environment Agency under the Water Resources Act regardless of any planning permission.

### **Informative to the LPA**

The above comments are provided as advisory comments on a minor application. However due to the existing problems with flooding within Long Marston the LLFA are happy to continue to provide advice on this application should any further submissions be made to the LPA to address the above concerns.

If the LPA wishes to discuss these comments further they can contact the case officer directly below.

Lead Local Flood Authority 16/05/2016

Thank you for re-consulting us on the above application for 3 new 4-bedroom houses to the land behind Loxley farm with access from Astrope Lane. As it is a minor application the LLFA are not a statutory consultee and we can only offer advice to the LPA.

We advise the LPA that the additional information provided by Nimbus reference C1559 dated March 2016 in relation to surface water does demonstrate the proposed development site can be adequately drained.

We note the proposed strategy is based upon attenuation and discharge into the ditch located west of the site. The drainage strategy provides evidence of a clear management and treatment train for the SuDS system. The drainage strategy has been shown on a layout plan and has been designed for the 1 in 100 year plus climate change with the use of a retention basin, permeable paving and raingardens. Additional swales have been included to intercept overland flow from adjacent properties. Any run-off from the site will be controlled at 2.5l/s and with required attenuation calculated as 34.7m<sup>3</sup>.

The plans for remediation works for existing ditches have been confirmed and a



maintenance plan for the drainage system has been included. We therefore recommend the following conditions to the LPA should planning permission be granted.

## **LLFA position**

### **Condition 1**

The development permitted by this planning permission shall be carried out in accordance with the approved FRA carried out by Nimbus reference C-1526 dated August 2015 and Surface Water Management Strategy reference C1559 dated March 2016.

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Implementing appropriate SuDS measures as indicated on drawing C1559-01 with the use of permeable paving, retention basin and rain garden with discharge into the watercourse.
4. Providing swales as shown on drawing C1559-01 to intercept any overland flow.

Secure remediation works for existing ditches prior to development commencement to ensure that they shall be kept clear of any obstruction to maintain any surface water flood flow.

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

### **Reason**

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

### **Condition 2**

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

The scheme shall also include:

1. Detailed drainage plan showing the location, size and engineering details of the proposed SuDS, pipe runs, manholes etc.
1. Detailed modelling of the drainage system to support the proposed drainage

strategy.

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

### **Reason**

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

### **Informative to the LPA**

Please note we have concerns regarding surface water flooding in this area.

The LPA will need to be satisfied that the proposed drainage strategy will be maintained and managed for the lifetime of the development.

Environment Agency 27/08/2015

We **object** to the proposed development as submitted because it involves the use of a non-mains foul drainage system in a publicly sewered area but no justification has been provided for this method of foul sewage disposal.

### **Reason**

The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

There are foul sewer mains within 80 metres from the proposed development on Chapel Lane and within 60 metres of a pumping station to the west behind "Newbridge". We would expect the applicant to consider connecting to this first and to have contacted Thames Water.

### **Resolution**

To overcome our objection the applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

Formally approach the sewerage undertaker or serve notice regarding a connection under section 98, section 104 or section 106 of the Water Industry Act 1991, as appropriate.

Provide details of the terms upon which the sewerage undertaker is willing to enter into an agreement under section 104.

Provide details of the undertakings, security and payment required by the sewerage undertaker under section 98 of the Water Industry Act 1991. They must provide these together with confirmation that the applicant

Environment Agency 1/10/2015

In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to the grant of planning permission and recommend refusal on this basis.

**Reason** The FRA submitted with this application does not comply with the

requirements set out in the Planning Practice Guidance. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

Consider the effect of a range of flooding events including extreme events on people and property.

Consider the requirement for flood emergency planning including flood warning.

### **Explanation**

The submitted FRA states that the site lies within Flood Zone 1. However, our mapping shows that part of this site is within Flood Zone 2, with a small portion in Flood Zone 3. The existing stable block which is proposed to be replaced by house 1 is partly within Flood Zone 2 and just bordering onto Flood Zone 3. From the plans in appendix A of the FRA, it would seem that house 1 is closer to the boundary line than the existing stable block. The flood plan used in the existing FRA is a screen shot from our flood mapping pages. These are inappropriate for use in an FRA where a building within the planning context is located within Flood Zones 2 or 3.

### **Resolution**

The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

#### Environment Agency 13/06/2016

We have reviewed the Flood Risk Assessment sent by Nimbus Engineering Consultants LTD on 24 May and requested further information in regards to the flood outline and development location. Until this is received we are unable to remove our objection.

#### Environment Agency 27/07/2016

We have now received an updated site plan (P094\_SP\_01 REV P3 Loxley Farm, Long Marston: PROPOSED SITE PLAN. 26/07/2016), and provided you are happy to accept this new layout, we are happy to remove our objection. This is because the position of House 1 now falls outside of the Flood Zone 3 outline.

### **Condition**

The development permitted by this planning permission shall be carried out in accordance with the following mitigation measures:

- Finished flood levels are set no lower than 0.7 metres above Ordnance Datum.
- There shall be no raising of existing ground levels within Flood Zone 2 or Flood Zone 3.
- Any walls or fencing constructed within Flood Zone 2 and Flood Zone 3 shall be designed to be permeable to flood water.
- There shall be no storage of any materials including soil within the Flood Zone 3 area.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. **Reason** To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage.

#### Development Services – Hertfordshire County Council 10/08/2016

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

Based on the information provided to date for the erection of 3 x 4-bedroom residential dwellings we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

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

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

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

The Section 106 template documents appended to the Toolkit include the standard planning obligation clauses. However, since this document was published this wording has been amended as set out in the attached document.

#### Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link:  
[www.hertsdirect.org/planningobligationstoolkit](http://www.hertsdirect.org/planningobligationstoolkit)

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

- (i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development

are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

A Section 106 legal agreement would be the County Council’s preferred method of securing fire hydrants. However, it is recognised that Dacorum Borough Council is intending to scale back the use of such agreements. If a Section 106 agreement is not otherwise anticipated for this development we would seek the inclusion of a condition to the planning permission. We would propose wording as indicated below:

“Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development.”

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision. We would also seek to be informed of any decision notice which includes the provision of infrastructure via condition.

Hertfordshire Highways – 20/08/2015

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

1) Best practical means shall be taken at all times to ensure that all vehicles leaving the site during demolition and construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.

Reason: To minimise the impact of construction vehicles whilst the development takes place

2) 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.

3 Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, which clearly demonstrate how refuse is to be collected from the site. Reason: The above condition is required to ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway and to ensure that compliance with standards in 'Roads in Hertfordshire – highway design guide' is achievable at all times.

4 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.

HIGHWAY INFORMATIVE: The highway authority require any works to be undertaken on the public highway to be 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](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction on how to proceed. This may mean that the developer will have to enter into a legal Section 278 agreement to carry out the improvement works as shown on the submitted plan including cutting back the hedging and creating the widened and improved vehicle crossover access.

Highway Comment The above scheme follows on from the pre application made last year to construct three new detached dwellings with a new access road connecting onto Astrope Lane via a simple but existing vehicle crossover. Astrope Lane is an unclassified local access road, L2 numbered 2u11/20 with a 30mph speed limit at the point where it passes this vehicle crossover that will form the start of the access road. Looking at the rolling 5 year collision data whilst there is one serious collision shown at the junction of Astrope Lane and Tring Road but this is unlikely to have any meaningful bearing on the proposed development. The applicant is proposing to widen and improve the simple vehicle crossover, hence the informative above about working on the highway and the requirement of a S278 agreement. The LPA may wish to consider a Grampian style condition that would make the developer construct the access road first before construction of the homes begins. Off street parking is recorded on the application form as being 13 spaces but the level of off street parking is a matter for the LPA to determine. The applicant will have to demonstrate how the refuse will be collected from the dwellings and that the site is accessible to service vehicles. Tracks runs on a suitably scaled drawing have been supplied but the carry distances involved, if the refuse vehicle is not going to enter the site, seems excessive.

## Conclusion

The highway authority in principle has no objection to the construction of these houses. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway

Authority has no objection subject to the above conditions to the grant of permission.

### Hertfordshire County Council – Archaeology

The proposed development site lies within Dacorum Area of Archaeological Significance No 12, which notes that Long Marston is a medieval settlement. An area of extant ridge and furrow (HER6165) survives immediately SW, whilst a well preserved medieval moated manorial site (HER2611) and remnants of adjacent medieval Church of All Saints (HER4374) lies 150m W. The development is proposed for an area of land to the rear of Loxley Farm (LB355757, HER17128), a grade II Listed Building, dating from the early 16<sup>th</sup> century. It is reasonable to suggest, given its position that this structure/site could have medieval origins.

I believe that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

- 1 the archaeological field evaluation via a process of 'strip, map and record' to the archaeological horizon, of the proposed building footprints, and the archaeological monitoring of removal of the existing slab (of buildings to be demolished), and of any other areas which will be the subject of significant ground disturbance, e.g. drainage, services, enlarged access etc.
- 2 the archaeological investigation of any remains encountered during this process, and a contingency for the preservation of any remains *in situ*, if warranted.
- 3 the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and if appropriate, a publication of these results.
- 4 such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

### Trees and Woodlands

I do not object to proposals at Loxley Farm, Chapel Lane, Long Marston.

The construction of three new dwellings and the division of the site will affect existing trees, scattered across the plot. However, it is intended to retain all trees and to supplement them with new plantings of Birch, Hazel and Oak.

Whilst plans and views of the site pre and post development have been indicated in submitted documentation, there is little information related to trees through the demolition and construction phases of the project. It is during these phases that damage is likely to be caused to retained trees.

Documentation conforming to British Standard 5837:2012 'Trees in relation to design, demolition and construction – recommendations' should be submitted, including a tree survey, tree constraints plan and tree protection measures.

Detail should also be submitted of the 'central shared rainwater tank' location and associated pipework. The installation of pipework across the site could damage the roots of existing trees it is intended to retain.

With care, existing and new trees together could provide an interesting aesthetic back drop around new dwellings. Proposed species would add positively to the site, with varying seasonal colour and canopy size.

### Hertfordshire Biological Records Centre

Thank you for consulting Herts Ecology on the above, for which we have the following comments:

1. Following our pre-application advice, various ecological surveys have been undertaken of the site.
2. No habitat of significant interest was considered to be present on the site following the Phase 1 Habitat Survey. From the information within the ecological report, this view would seem reasonable.
  - 3.1 No evidence of bats was discovered by the Inspection surveys but activity surveys identified one common pipistrelle using Building 1 for what is likely to be a small day roost. Compensation has been recommended in the form of two bat bricks which will be installed in one of the new proposed dwellings, providing compensatory habitat for the loss of the small roost.
  - 3.2 Furthermore, any lighting of the development site will need to ensure the hedgerows are not affected so as not to disrupt the foraging use of these features by bats.
  - 3.3 I consider the bat surveys and recommendations to be adequate. Consequently the third Habitat Regulations test can be satisfied with respect to bats. An EPS licence will be needed given the demolition of a roost and I have no reason to believe this will not be obtained.
- 4.1 Great crested newts have been previously recorded from the adjacent pond within the school grounds. They were shown to be still present in this and two other ponds, supporting a high meta-population of GCN likely to be well over 100 individuals. The associated terrestrial habitats and their connectivity would be important for helping to support this population.
  - 4.2 A 90 day trapping programme for translocation is proposed to remove GCN from the development site although none of the ponds themselves will be directly affected. A newt fence is proposed to be provided around the whole development site to enable this and to ensure that subsequently, individuals cannot access the development site. This will avoid encounters with the dangerous activities and storage of materials that they may otherwise find suitable for refuge. This approach follows Natural England's Standing Advice.
  - 4.3 The proposed landscaping will provide local habitat improvements within the site.



However, it will not compensate for the loss of terrestrial habitat identified in para 91 of the report, namely the loss of grassland, although gardens and native planting will be created. Whilst of little intrinsic interest, I consider that this loss will reduce the extent of terrestrial habitat resource available for newts locally, as well as degrade its quality given that the residential gardens are highly likely to be intensively managed and will be a poorer substitute for the habitats currently present. However I acknowledge that they could provide some potential habitat and that, overall, the present development is relatively limited.

4.4 The potentially highly damaging impact on connectivity between the ponds is recognised, for which mitigation and compensation is proposed. This includes two focussed underpasses beneath the access track, which would help avoid casualties on the road.

4.5 A newt hibernacula and additional terrestrial habitat has also been proposed. I consider this will provide an enhanced habitat resource locally.

4.6 The measures outlined above reflect the high significance of the local newt population and seek to provide mitigation and enhancement measures. This is consistent with Natural England's Standing advice although I am unconvinced that the habitat compensation will provide a comparable resource. Monitoring is proposed and this would help to determine the success of the enhancements.

4.7 An EPS licence will be required for the works and I have no reason to believe it would not be obtained. Consequently the third Habitats Regulations test can be satisfied with respect to Great-crested newts.

5. On the basis of the above, I consider the impact on the European Protected Species directly and indirectly affected by the proposals has been assessed and appropriate recommendations made, sufficient to satisfy the third Habitats Regulations test. Consequently the LPA may proceed with determination.

6.1 Barn owl pellets and droppings were identified in Building 1 and seen flying around the fields on and off site, although not recorded using the buildings during the surveys. There is no evidence of breeding in the building.

6.2 The development will lead to a loss of an occasional roost as well as some local foraging habitat, although a nest box will be provided to compensate for the loss of the roost. The local habitat for small mammals currently available within the application site is unlikely to be replicated by the housing development although the loss of this may not be significant for barn owl foraging.

7. The mature hedgerows which border the site are locally important and would provide shelter and dispersal routes for the local newt and bat populations.

8. No reptiles were found during the site surveys but if discovered during GCN trapping they will be translocated and accommodated alongside the GCN mitigation, which are broadly equally appropriate.

10. Badgers do not appear to be an issue on this site. Evidence of occasional foraging has been recorded and a single large hole is present but there is no evidence of active use by any mammal. Mitigation measures have been provided and a watching brief will monitor any changes to this situation and provide appropriate advice as necessary.

11. In summary I consider the Ecological Impact Assessments to be thorough. Surveys

are sufficient to describe the ecology of the site; appropriate recommendations provided which are consistent with NE's Standing Advice and best practice. Whilst I believe the development will reduce the ecological resources present locally, I have no reason to consider appropriate licences will not be issued as necessary and that the Habitats Regulations third test cannot be satisfied.

12. I am not aware of any other ecological issues associated with these proposals for which I have any significant concerns.

#### Thames Water 4/08/2015

##### Waste Comments

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

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

##### Water Comments

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

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

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

##### 8 Marston Court - 16/05/2016

As residents of Marston Ct for 16 years we have witnessed both the floods in 2003 and 2014. We lost both our cars that were parked at the back of Marston Ct due to the latter flooding. To this date the flooding in Long Marston has not been addressed satisfactorily and any further houses in the near vicinity will only add to the already fragile drainage system we have in the village. To add a further three houses plus additional roads and turning circle will only compound this issue and to this end I would like to formally object to the proposed planning revision as it would only impact negatively on it he village.

##### Palmers Barn - 11/05/2016

As a local resident of 10 years I am more than familiar with the nature of the land in question and how it and the immediately adjacent area (which is flood plain) is severely affected by heavy rainfall.

Whilst recent reports indicate that the local sewerage system should be able to cope with 3/4 more dwellings, it is more the fact that village sewerage system, local stream and storm water provisions are interconnected and as such woefully inadequate during heavy rainfall. This has caused major flooding to properties in the village on more than one occasion in recent years and common sense alone would therefore suggest that any additional building in this particular area will only worsen a situation that has yet to be resolved despite a County Council and Flood Agency investigation.

#### Barn One, Chapel Lane

We write in respect of the above planning application relating to the proposed housing development at Loxley Farm, Long Marston.

We also refer to the recent Section 19 Flood and Water Management Act 2010 report, dated 2014 conducted by Herts County Council Flood Risk Management Department.

We request that details of the proposed development are referred to the Flood Risk Management Department at Hertfordshire County Council, so that checks can be made regarding the location in relation to the latest flood risk maps, as well as the surface water discharge proposals.

The proposed development we understand, also involves the construction of a link access road to the rear of the village school. The access road plus parking areas and house roofs will provide impermeable areas which will generate a significant rainfall run off to a localised area, which is subject to flash flooding. In this situation we understand that measures must be taken such that storm water run-off from the developed site should not exceed the storm run-off that currently exists from the green field site.

We trust that a satisfactory proposal to deal with this problem (approved by Herts County Council ) will be required and documented in order to achieve planning permission.

As local residents we have seen flood water adjacent to this site. Construction of houses and an access road adjacent to Loxley Farm would exacerbate the threat of flooding to neighbouring properties.

Please accept this letter as a formal objection to the proposed planning application

Foxleas 06/08/2015

As has been well documented in the Section 19 Flood and Water Management Act 2010 report dated 2014 and conducted by Herts County Council, Long Marston has been subject to flooding over recent years. The planning proposal states that ' Loxley Farm lies outside the flood risk zone and should not be considered at risk of flooding. However, flooding has occurred on several occasions between 2003 - 2014 during our occupation as immediate neighbours, which has impacted Loxley Farm, our property and adjacent properties. Flood water from the South East (rear of Loxley Farm) as well as the North West (Station Road) and entered the boundaries of our property and into Loxley Farm itself. As stated in the Section 19 report, there is no one solution to the

flooding in Long Marston or any guarantee that it can be prevented and therefore, flooding again in Long Marston is inevitable and would appear from our 26 years in the village and statistics, to be an increasingly more frequent occurrence.

The planning application claims that the proposed scheme 'will address flooding' concerns however, we believe the opposite to be true and that it will exacerbate the impact of flooding. Whilst, the retention of all existing trees and plantation of new, coupled with the introduction of swales are acknowledged, the planned development will offer little mitigation to the erosion of natural flood plain and drainage that the land currently provides. Removal of soil which provides natural drainage through the development of 3 properties with parking, turning circles and a courtyard, the natural flood plain that the land presently affords to the South East Farm will be compromised. Consequently this increases the risk of flooding to our property, adjacent listed properties and indeed Loxley Farm itself. Please accept this letter as formal objection to the proposed planning application.

Foxleas      13/05/2016

We write in respect of the above revised planning application regarding Loxley Farm, Long Marston and the notice issued to our home address dated 3rd May 2016.

As has been well documented in the Section 19 Flood and Water Management Act 2010 report, dated 2014 and conducted by Herts County Council, Long Marston has been subject to flooding over recent years.

However, flooding has occurred on several occasions between 2003 - 2016 during our occupation as immediate neighbours, which has impacted Loxley Farm, our property and adjacent properties. Flood water entered from the South East (rear of Loxley Farm) as well as the North West (Station Road) and entered the boundaries of our property and into Loxley Farm itself.

Indeed as recently as Easter 2016, the land for proposed development was flooded after minimal rainfall, as can be seen in the 2 photos below.

As stated in the Section 19 report, there is no one solution to the flooding in Long Marston or any guarantee that it can be prevented and therefore, flooding again in Long Marston is inevitable and would appear from our 26 years in the village and statistics, to be an increasingly more frequent occurrence.

At present minimal rainfall not only floods Station Road and its junction with Chapel Lane, the pumping station frequently reaches hydraulic capacity and cannot deal with the volumes of water, exacerbated by the intrusion of surface water into the dated sewerage system. This impacts us, our neighbours and numerous houses in Chapel Lane who due to the sewerage backing up cannot flush their toilets or use their showers, baths or sinks.

Thames Water responded to several households after the Easter rain when the drains once again backed up. This is a regular occurrence and Thames Water has acknowledged that the pumping station is unable to cope. How can Thames Water therefore consent to additional loading when the present infrastructure cannot cope?

The planning proposal states that Loxley Farm lies outside the flood risk zone and should not be considered at risk of flooding.

How can this statement be made within the application given the experience of the

residents who have witnessed flooding first hand as outlined above?

Paradoxically, the planning application then goes on to state that the proposed scheme will address flooding concerns. However, this could only be fulfilled if the current flooding issues in Long Marston were being addressed or this planning application was helping to address them.

Despite the S19 report, this is still not the case and Long Marston continues to flood, with no active plans for any corrective action. Furthermore, this planning application does nothing to redress these problems, it merely adds to them!

The development on land which presently acts as a flood plain and permeates the surface water will significantly compromise this measure, making the ramifications of flooding worse. Furthermore the proposed surface water management strategy assumes that running off into a tributary of the Tring Bourne will not increase flood risk.

The Tring Bourne is already unable to cope with volumes of water after significant rainfall, as demonstrated in 2014, therefore this strategy would appear to be flawed and further compounds an existing problem.

Whilst the retention of all existing trees and plantation of new, coupled with the introduction of swales and raingardens are acknowledged, the planned development will offer little mitigation to the erosion of the natural flood plain and drainage that the land currently provides.

Removal of soil which provides natural drainage through the development of 3 properties with parking, turning circles and a courtyard, the natural flood plain that the land presently affords to the South East of Loxley Farm will be compromised.

The proposed pond is a potential source of flooding to the proposed new builds given the volumes of water witnessed over previous years. Whilst it might offer a temporary storage facility to assist with flow attenuation during normal conditions, it will not be an adequate surface water drainage mitigation during prolonged periods of rainfall as experienced all too frequently in recent years.

Consequently, in our opinion, this application increases the risk of flooding to our property, our neighbours' properties, adjacent listed properties, Loxley Farm and indeed the 3 new builds themselves.

Chapel Lane 01/11/215

Please be advised that the area that is too built on had a very large tanker to pump out water for several hours on Friday.

The previous owners of Loxley Farm have built a very large soak-away filled with gravel to help with the water flooding. This I believe will be built upon. Will the planning insist that this soak away, probably 30x30 metres next to the pond will be kept? I have concerns over this project. The very fact that surface water already needs to be pumped away is a worry.

Chapel Lane 27/10/2015

I have lived in the lane for a number of years. I have seen Loxley farm flood on a number of occasions. The garden in particular is often submerged in water. The field is so deep cattle cannot graze in it. The Decorum council are fully aware of the flooding,

yet the application appears to report no flood risk. I am concerned that the increased housing will not only reduce the flood drainage area but I have concern that there will be even more flood victims. I have tried to sell my home for a long time, each time flooding comes back as a problem. I just would like you to think about the potential risks and flood prevention and recovery plans that need to be put in place before to be put in place in our village. The turning circle for the school is a lovely gesture.

#### Marston Court 19/08/2015

Objection due to the loss of natural habitat for local wildlife including the great crested newts, bats, owls and badgers that thrive within the area of the submitted planning application, the newts need both aquatic and terrestrial habitat, favouring areas of lowland that contain medium sized ponds, rough grassland, scrub and woodland even though they have a pond which is vital for their breeding they spend much of their lives on land, the management of the land that surrounds the pond is crucial to their survival. The bats and owls use the barns/stables to roost. The land that is proposed for development is their home. There is no guarantee that the newts, bats, owls and badgers will not be affected by this planning application including the proposed road and traffic that will cross the grasslands. We as a community should be conserving and enhancing the homes of our local wildlife helping to increase their population not planning to build on and destroy it.

The residents of Long Marston have experienced serious flooding on many occasions, with ourselves at Marston Court being severely affected. The proposed development is in an area of serious flood risk, what will not only impact the proposed new homes but will have an adverse effect on the homes already here. If more homes are built what will be the impact/strain on the already old, poorly maintained drainage system that already can't cope within the village of Long Marston.

We object to the type and style of the homes proposed, they do not fit in within the conservation area nor are they of an affordable nature. They do not enhance or preserve our village; this application does not allow our rural character to be retained.

The proposed new road opens on to the very busy country lane (Astrope Lane) especially since the opening of the A41 in Aston Clinton Astrope Lane has become a rat run full of passing through traffic. There are no pavements available for local residents, no traffic management or crossings creating safety concerns for both pedestrians and motorists.

The proposed access road across the grassland to the rear of our properties will also cross a very busy and well used public footpath creating risk to the general public, their pets and the wildlife that currently thrives here.

#### 1 Marston Court

I write in respect of the above revised planning application regarding Loxley Farm, Long Marston and the notice issued dated 3rd May 2016. As has been well documented in the Section 19 Flood and Water Management Act 2010 report, dated 2014 and conducted by Herts County Council, Long Marston has been subject to flooding over recent years.

However, flooding has occurred on several occasions between 2003 – 2016 during my occupation as an immediate neighbours, which has impacted Loxley Farm, our property and adjacent properties. Flood water entered from the South East (rear of

Loxley Farm) as well as the North West (Station Road) and entered the boundaries of our property and into Loxley Farm itself.

Indeed as recently as Easter 2016, the land for proposed development was flooded after minimal rainfall, as can be seen in the 2 photos below.



As stated in the Section 19 report, there is no one solution to the flooding in Long Marston or any guarantee that it can be prevented and therefore, flooding again in Long Marston is inevitable and would appear from our 26 years in the village and statistics, to be an increasingly more frequent occurrence.

At present minimal rainfall not only floods Station Road and its junction with Chapel Lane, the pumping station frequently reaches hydraulic capacity and cannot deal with the volumes of water, exacerbated by the intrusion of surface water into the dated sewerage system. This impacts us, our neighbours and numerous houses in Chapel Lane who due to the sewerage backing up cannot flush their toilets or use their showers, baths or sinks.

Thames Water responded to several households after the Easter rain when the drains once again backed up. This is a regular occurrence and Thames Water has acknowledged that the pumping station is unable to cope. How can Thames Water therefore consent to additional loading when the present infrastructure cannot cope?

The planning proposal states that “Loxley Farm lies outside the flood risk zone and should not be considered at risk of flooding”.

How can this statement be made within the application given the experience of the residents who have witnessed flooding first hand as outlined above?

Paradoxically, the planning application then goes on to state that the proposed scheme “will address flooding concerns”. However, this could only be fulfilled if the current flooding issues in Long Marston were being addressed or this planning application was helping to address them.

Despite the S19 report, this is still not the case and Long Marston continues to flood, with no active plans for any corrective action. Furthermore, this planning application does nothing to redress these problems, it merely adds to them!

The development on land which presently acts as a flood plain and permeates the surface water will significantly compromise this measure, making the ramifications of flooding worse. Furthermore the proposed surface water management strategy assumes that running off into a tributary of the Tring Bourne will “not increase flood risk”.

The Tring Bourne is already unable to cope with volumes of water after significant rainfall, as demonstrated in 2014, therefore this strategy would appear to be flawed and further compounds an existing problem.

Whilst the retention of all existing trees and plantation of new, coupled with the introduction of swales and raingardens are acknowledged, the planned development will offer little mitigation to the erosion of the natural flood plain and drainage that the land currently provides.

Removal of soil which provides natural drainage through the development of 3 properties with parking, turning circles and a courtyard, the natural flood plain that the land presently affords to the South East of Loxley Farm will be compromised.

The proposed pond is a potential source of flooding to the proposed new builds given the volumes of water witnessed over previous years. Whilst it might offer a temporary storage facility to assist with flow attenuation during normal conditions, it will not be an adequate surface water drainage mitigation during prolonged periods of rainfall as experienced all too frequently in recent years.

Consequently, in our opinion, this application increases the risk of flooding to adjacent properties, adjacent listed properties, Loxley Farm and indeed the 3 new builds themselves.

I would also add that the field which is an integral part of the Loxley development in which the road giving access to Astrope Lane is to be constructed, as well the proposed turning place for the school bus, has a valuable eco system. There are crested newts in the pond. I have frequently seen bats and barn owls in this field, foxes, hedgehogs and numerous other birds such as jackdaws and house martins. Wild ducks also visit the pond. The construction of a road for whatever reason would be invasive and intrusive and have an adverse effect on the wildlife. I therefore strongly object to this planning application on this basis as well.

Kindly therefore accept this letter as my formal objection to the proposed planning application.

Barnside, Chapel Lane 17/05/2016

I understand that you are the Planning Case Officer for the Loxley Farm Planning Application - 4/02678/15/FUL. I am writing to you as I have significant reservations about the viability and environmental safety of this development and I would be very grateful if you can consider the points below in your evaluation of the scheme.

- Station Road, Chapel Lane, the rear of Loxley Farm and the fields adjoining the proposed Loxley Farm development are prone to flooding, even after relatively small amounts of rainfall. During the last major flood event in 2014, the flooding was so bad that at least 6 homes in the village were flooded and three different families had to move out of their houses for over nine months while substantial repairs to the affected properties were carried out. Since this time, absolutely no flood prevention or flood mitigation schemes have been put in place, and yet we are now proposing to build three new, large houses in the heart of this flood plain. The hardstanding for these new houses, as well as the access road to serve them will only exacerbate the risk of flooding and place additional load on the surrounding ditches and dykes - which have already been proved to fail. In short, proceeding with this development is only going to increase the flood risk



in the centre of Long Marston and Chapel Lane, resulting in more damage to properties and families having to move out of their homes for protracted periods of time.

- My understanding is that the developers have proposed a sustainable drainage plan for the site (attenuation pond, swales, rain gardens etc.) and that these will be maintained by the new house owners. The success or otherwise of these proposed safety measures seem to centre around a regimented and long-term series of physical, gardening activities. Speaking as a householder whose property is placed directly at flood risk by this development, I am concerned that basing the success of this scheme on the new property owners tirelessly following the documented schedule seems a high risk and naive strategy. What if some of the owners are elderly and unable to perform these duties?
- In the event of prolonged rainfall, excess surface water from the proposed development will overflow and be discharged into the ditch which runs past the rear of my property, increasing the risk of flooding in my rear garden and in turn to the rear of my property. The water from this ditch will then discharge into the brook by the cattle drink, causing contention with surface water draining from other areas including Chapel Lane - which will then increase the risk of waters backing up in Chapel Lane - causing greater risk of flooding to the properties in Chapel Lane (a number of which were flooded out in 2014).
- The sewerage pumping station in Chapel Lane, maintained by Thames Water, has been proven to be wholly inadequate in coping with flood events. Its handling capacity is already overloaded by the number of houses which feed into it (its sewerage catchment area already extends beyond the properties in Long Marston), so connecting yet another three large homes to it is only going to exacerbate the existing capacity problem. Furthermore, when flood events occur, surface water leaks into the sewerage system. The pumping station, already under pressure, cannot cope and the entire sewerage system surcharges, causing raw sewage to leak out from manhole covers in the street and downstairs toilets in people's homes to overflow. Do you really want to approve the connection of sewerage from three new, large homes to this already failing system?
- In the latest planning application, the drop-off / pick-up Access Point for Long Marston Junior School has been removed. This was the only part of the scheme which offered any tangible benefit to the village. Please can you explain the reason of this late withdrawal ?
- I have recently spoken to many other residents in the village who have significant concerns with this scheme, but who are not clear on how to raise their objections / concerns. Perhaps you should extend your period of investigation for another 30 days and post some information in the Village Newsletter explaining how people can raise their concerns?

Finally, in summary, proceeding with this development is going to increase the flood risk to houses in the centre of Long Marston and most critically, Chapel Lane. I respectfully ask that you consider the needs and well-being of the existing village residents and decline this planning application

Natterers Barn, Chapel Lane 17/05/2016

- Thames Water Pumping Station

The capacity of the station is at present inadequate for the existing properties it serves. There is sufficient evidence on record to support this statement. Thames Water needs to update the capacity of the system before any additional demand on it is approved.

- Surface Water Management

The development area is immediately adjacent to a flood plain.

There is no evidence that the schedule of works, the management and maintenance plans to prevent flooding and the arrangements to secure the operation of the scheme during its lifetime – have yet been approved and adopted by the appropriate public authority or statutory undertaker.

The proposed removal of water from the site is into a tributary of the Tring Bourne. These watercourses, marked A to C on the plan, are on private land and any clearance works and ongoing maintenance, including access, would require prior agreement with the landowners. This has not been sought or achieved.

#### l) Conclusions

It is stated that the use of SuDS and the anticipated run off will not increase the flood risk in the culverted section of the Tring Bourne, but it is silent about the increased risk to the open sections marked A to C on the plan.

#### 13 Marston Court 20/08/2015

I have concerns about the above planning proposal on several grounds.

(1) Drainage. Long Marston has experienced severe flooding in the past. Investigations indicated that

the drains for surface water were inadequate and needed to be upgraded, but nothing has been done. The introduction of 4 new houses plus the access road will mean less soak-away and more water going into the already over-loaded drains. Inevitably this will cause future flooding and this in turn will mean increased insurance costs for residents - if, in fact, we will still be able to obtain cover.

(2) Wildlife. The proposal includes a new access road across a field which has always been rough pasture. This field also contains a pond which is the breeding site for newts. The stable block which will be demolished to make way for the 4 large houses is the residence of a colony of bats and at least one barn owl. All these relatively rare creatures will be drastically affected if not obliterated by the proposed development.

(3) Traffic. Introducing a new side-road onto Astrope Lane will inevitably exacerbate the issue of speeding traffic using the narrow, winding lane - which has no pedestrian pavements - as a short cut and "rat-run" at busy times of the day. The proposed access road will also cut across a much-used and valued public footpath which is a safe and secure route for dog walkers and playing children.

(4) Type of development. The proposed houses, having 4 bedrooms each, will be beyond the reach

of most residents and their children. All three of my own sons have had no option but to leave the village of their childhood and upbringing.

It seems to me that this proposed development is entirely driven by profit, with no regard or interest in the needs of the village or on the adverse impact on the environment and community.

Rose and Crown Cottage 16/05/2015

I am writing to object to the above planning application for a housing development in Long Marston. As you will be aware Long Marston is a high risk flood area and residents have suffered greatly in past years. We do not yet have a solution to the problem or indeed even an agreed way forward.

The drainage plans submitted show a complete lack of understanding regarding the severity of the flooding issue as well as the geographical challenges and the inadequate water management systems in the area.

To allow a development that has demonstrated such ignorance of the proposed building site and the associated drainage problems that could seriously impact all property in the area, including the new build, would be completely irresponsible.

It would show nothing but contempt for the residents who have suffered greatly in the past due to flooding in this area that such a poorly informed building development will only exacerbate.

Longridge, Station Road 14/08/2015

We received a notification of the above planning application and have the following concerns:

1. The proposed houses are intended to be built on a flood plain; this area has flooded a number of times, as recently as last year. We are concerned as to what is being done to ensure more water is not redirected to the centre of the village.
2. There are a number of well-established trees that border the school field adjacent to the proposed site. We are concerned that they are kept as they are as they are integral to the local conservation area.

Our address is: Longridge, Station Road, Long Marston, HP 234Q

We hope these concerns are addressed as part of the planning consultations

No address given

I am writing to express my concerns with the above application and the potential implications for the village of Long Marston as a whole.

You will be very aware I am sure of the terrible flooding we suffered last year. Water rushed through the village and into houses causing tens of thousands of pounds worth of damage. At least two families to my knowledge were in rented accommodation whilst their family homes were repaired for some time afterwards, one may still be.

And why did this happen? Why were the 'plans' for such event not able to cope?

The truth is that no-one knows. I have attended meetings and read reports from a variety of so-called experts and no-one will hold up their hand to take responsibility nor offer an explanation as to why.

What is clear is that the water had nowhere to go. The drains could not cope, the road-side ditches could not cope. The water had nowhere to soak away so ran along the roads and into people's houses. If the same circumstances occurred again tomorrow, the village would flood again.

So with that scenario in mind, how can an application to build more houses, to create harder standing and less soak-away areas be seriously considered? It would strike me as unfair on the potential extra flood victims moving into these new properties, let alone the village as a whole.

Until there is clarity as to what caused the flooding and what action is to be taken to protect against a repeat, I would strongly object to any new house building activity in Long Marston.

No address - further to email above 10/05/2016

I have read with interest the website updates, especially the Nimbus report, and would like to make a few observations.

The 'ease' with which the report dismissed the past, current and future flood risks to Long Marston without identifying any concerns is mystifying. Additional hard standing in the form of 3 new large houses and the access road to them can only accelerate the flood waters into the surrounding properties and land

The success or otherwise of their proposed safety 'measures' seem to centre around a regimented and long-scheduled series of physical, gardening activities. Just to be clear here, the immediate neighbours of this new development and, as was proven recently, the village as a whole, is to pin its hopes on the extra flood waters being dissipated by 3 households of people dutifully following Nimbus' maintenance schedule?

I see some importance is attached to the ditches running behind my property and those of many other inhabitants of Chapel Lane houses. These ditches, at least acknowledged by the Nimbus report, are in a poor state of repair. Is there a maintenance schedule for these too?

I also notice the 'application-sweetener' to allow access for parents picking up their kids from the school seems to have disappeared from the details. Am I mistaken or can you please explain the reason for the withdrawal? It was a major point in developing a level of acceptance from many villagers for the plan and without it, would attract a lot more negative correspondence I am sure.

Perhaps it would be caring and very democratic of the council to clarify this point and the general progress of the application as a whole across Long Marston, maybe in the village newsletter? I have met many villagers, concerned by the potential added flood risk posed by this application, unaware of the way to navigate your website and update themselves with the details therein.

Cymric House 22/09/2015

We live in Station Road in the middle of the Conservation Area and in close proximity to the proposed development. Our house, which was built in the mid-19th century, is next to what is now the village primary school's playing field. The proposed development will skirt two sides of this field. We wish to object strongly to the development of these houses in this location.

We have serious concerns regarding the building of houses, the provision of multiple car parking spaces and the construction of a road to serve the development in view of the propensity of this particular area to flooding. We witnessed the severe flooding to this part of the village recently when our own front garden was inundated and we assisted neighbours opposite in baling out the basement of their property. Houses very nearby suffered severe flooding, with residents being forced to leave their homes for long periods. The planning application states that there will be 13 car parking spaces at the site as well as a tarmacked road, adding substantially to the footprint of the proposed development.

The siting of the proposed development is on greenfield land within the Conservation Area. We have observed barn owls and other wildlife at the site in question. The plan allows for the erection of bat boxes and tunnels for wildlife to use, but these mitigating measures actually highlight the damage such a development would do to the existing habitat, with the incursion of 15+ people, 13 cars, domestic pets, and visitors with cars.

Dacorum Borough Council's Local Planning Framework Core Strategy January 2013 states at CS5 and CS7 that, for small scale development to be permitted within the Green Belt, the proposed development must have "no significant impact on the character and appearance of the countryside" and that it "supports the rural economy and the maintenance of the wider countryside". Long Marston has no requirement for the kind of executive housing planned in this proposal. Large family homes abound in the village, while affordable housing is scarce. We would view positively suggestions to site an appropriate small development of affordable housing in the village that did not necessitate the construction of a new road across open fields and was outside the area that regularly floods.

#### 44 Station Road – 11/05/2016

I would again like to express my concerns regarding the planning application of Loxley Farm. Every time it rains we have huge puddles forming and drains overflowing. As you are aware we were out of our home for over 2 years due to the flooding. Any further building will exacerbate the situation further.

### **Considerations**

#### Policy and Principle

Policy CS7 of the adopted Core Strategy states that within the rural area, the following uses are acceptable a) agriculture, forestry, mineral extraction, countryside recreation uses; essential utility services and uses associated with a farm diversification project. Policy CS7 states that small scale development will be permitted for the replacement of existing buildings for the same use, limited extensions to existing buildings, the appropriate reuse of permanent, substantial buildings and the redevelopment of previously developed sites provided that 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. CS7 goes on to say that small scale development for housing, employment and other purposes will be permitted at Long Marston provided that it complies with Policy CS1 and CS2 of the Core Strategy.

Paragraph 8.36 of the Core Strategy states that the largest settlements in the rural area are Aldbury, Long Marston and Wilstone. It states that these villages are the most suitable location for small scale, sensitively designed development that meets the long

term needs of the rural community and wider countryside. Paragraph 8.36 states that the identification of local needs will be informed by village appraisals. As such it is considered that the scheme which proposes three new dwellings located within the designated village boundary accords with policy CS7 insofar that it represents small scale infill development which complies with policies CS1 and CS2. Part of application proposal (access) site lies outside the village boundary and within Green Belt Land and therefore, consideration has been given to how this development accords with policy CS5 of the adopted Core Strategy and the NPPF. There is an existing access which services the equestrian use of the site and whilst the proposed new access would amount to a more permanent developed access, it is not considered to adversely affect the overall openness of the Green Belt. The development would comprise inappropriate development in the Green Belt however considering the existing access arrangement, allowance under permitted development rights to lay hardstanding for such purposes and the enabling development to allow construction of new dwellings within the village, it is considered that the access road would be justified by very special circumstances which outweigh the harm. Particular regard will be taken through the discharge of conditions to ensure that the access way remains as undeveloped and open as possible and the rural character and setting of the site is maintained.

#### Impact on character of the Area and Design

The development site is of particular sensitivity as it is located mostly within the settlement, on the edge and within the Green Belt, and within the Conservation Area. As such, the three dwellings have been designed to take the form of a traditional farmstead layout comprising three quasi traditional farm style buildings with modern additions. Particular care has been taken by the Architect to orientate the buildings in a traditional way but still to ensure that the layout allows for quality and modern residential units. The proposal comprises removal of the existing stable building and replacement with three new houses. The layout is such that they allow sufficient spacing to the rear of the listed building in order to protect its setting and character, and to allow direct longer views from the rear of the site right up through to the listed house. The form comprises a courtyard layout which is designed to pay regard to historical farmyard typography. The public footpath running through the site will remain in place.

The farmstead style of the proposed dwellings is also put forward through the materials proposed. The proposal has sought to keep a simple palette of materials including cast Stone walls, conservation rooflights, natural oak timber doors & panels, dark timber barn paint cladding and slate tiles.

#### Impact to listed building and considerations of Listed Building Consent

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

Saved policy 119 of the local plan deals with works to listed buildings and states that the following issues will be taken into account in considering all applications for listed building consent:

- (i) the importance of the building, its intrinsic architectural and historic interest and rarity in both national and local terms;
- (ii) the particular physical features of the building which justify its inclusion in the list;
- (iii) the building's setting and its contribution to the local scene; and
- (iv) the extent to which the proposed works would bring substantial benefits for the community.

Particular regard has been paid to ensure that the character and setting of Loxley Farmhouse which is a Grade II listed building is maintained. The three dwellings have been sited sufficient distance away from the listed building to ensure that adequate spacing and setting is retained. The dwellings have been designed in a layout which considered a typical historical farmstead form and they are not considered to detract from the setting. The conservation officer has worked with the agent for some time to ensure that the balance between the historical environment and the new development is appropriate and the layout is such that it allows longer views up through the site to the listed building. Subject to the imposition of conditions, it is considered that the buildings are acceptable in design, layout and impact to the character and setting of the listed building in accordance with policies CS11, CS12 and CS27 of the adopted Core Strategy.

#### Flooding Impacts and drainage Implications

One of the major issues and consideration on this scheme is the impact of the proposal to the area in terms of Flood Risk and drainage. During the course of this application, it has been highlighted that the site often is flooded and that this part of Long Marston suffers from flooding. This issue is a major concern to residents of which many have objected to the scheme. During the negotiations on the scheme, the agent has worked alongside the Environment Agency and the Lead Local Flood Authority who are now satisfied with the proposals submit to conditions. In particular the Lead Local Flood Authority (LLFA) now considers that the scheme demonstrates that the site can be adequately drained. This is based on attenuation and discharge in to the ditch located west of the site and the strategy provides for a management and treatment plain for the drainage system. The scheme also incorporates additional swales which all interception of the overland flow from adjacent properties. The LLFA are satisfied with the scheme submit to the imposition of conditions. The environment agency originally objected on two counts: a) that the scheme involved the use of a non-mains drainage system in a publicly sewered area and that no FRA was submitted to assess impact and mitigation of flooding. Since then, the agent has works with the EA to carry out specific testing to ensure that the development would not result in further flooding implications for the added and that the site itself would be adequately addressed in terms of the Flooding. The specialists have mapped the extent of Flood Zones 2 and 3 and have realigned marginally the siting of the dwellings to ensure that they fall outside Flood Zone 3. As such the proposal accords with the NPPF and NPPG. In terms of the sewerage concern, the proposal has been amended in line with the Environment Agency advice and Thames Water has raised no objection to the scheme.

#### Impact on Trees and Landscaping

The site currently enjoys mature trees and hedging of which some scattered trees will be removed to allow the development however it is intended to retain all important trees and to supplement them with new plantings of Birch, Hazel and Oak. It is

considered that the scheme will generally maintain the mature screened nature of the site and improve the landscape character by additional planting. No objection is therefore raised subject to the imposition of conditions regarding the impact of construction phase to trees and detailed specification of planting.

### Impact on Highway Safety

Access to the scheme is via a new proposed driveway taken from an existing access of Astrope Lane. Hertfordshire Highways have raised no objection to the scheme on the basis that the construction phase of the scheme is managed by condition and that highway visibility splays are conditioned. It is considered that due to the number of houses proposed, there would not be any substantial highway implications for the area and adequate parking provision is provided on site for the three new dwellings in accordance with appendix 5 of the adopted Core Strategy.

### Impact on Neighbours

The site is located to the rear of Loxley Farmhouse and straddles the primary School. The proposed dwellings are located sufficient distances from the farm house itself to ensure that sufficient space is provided to avoid visual intrusion or overlooking. So too, a key consideration is to ensure privacy and amenity for the school building. The dwellings have been designed to ensure that there would be minimum windows at first floor level adjacent to the school grounds. As such it is considered that the scheme would not give rise to any significant harm to the amenities of the neighbouring properties in accordance with policy CS12 of the adopted Core Strategy. A condition will be imposed which removes permitted development rights will ensure that new windows etc can be considered fully in the future.

### Ecology Impacts

The ecology officer has considered the scheme and has raised no objection. The ecology officer considered that no habitat of significant value was considered to be present on the site following the Phase 1 Habitat Survey. No evidence of bats was discovered by the Inspection survey however the activity survey found potential for common pipistrelles. However compensatory habitats for bats have been provided and the Habitat Regulation tests for bats can be satisfied. Great Crested Newts have been previously recorded on the adjacent pond. Such particular programmes for translocation to remove the GCN has been proposed and it is considered that none of the ponds themselves would be affected. Natural England's advice has been followed on site in terms of the GCN. It is considered that the proposed landscaping will provide local habitat improvements however it is acknowledged that there would be some loss of terrestrial habitat namely the loss of grassland. As such further mitigation within the landscaping and scheme has been provided. As such, the ecological officer has raised no objection to the scheme and considered that it adequately addresses any harm that may arise to ecology through careful mitigation and creating new environments.

### Affordable Housing

On 11<sup>th</sup> May 2016 the Court of Appeal judgment relating to the appeal lodged by the Government to the West Berkshire decision was issued (*R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government* [2016] EWCA Civ 441.). This decision upheld all four appeal



grounds brought by the Government, and reversed the earlier decision to quash the policy. The PPG has also been amended to reinstate the relevant paragraphs previously deleted.

In the light of the Court of Appeal decision, the Council has reinstated its Affordable Housing Clarification Note. The content of this note remains unchanged from the March 2015 version, with the exception of a few minor changes to update the background content. As such, small scale housing developments of less than 6 units will not have to provide any affordable housing including those located within the village boundaries of Long Marston.

#### Contaminated Land

The Council's contaminated land officer has not commented on this application however given that it is considered that the site is located within the vicinity of potentially contaminative former land uses given the history associated with the site. Consequently there may be land contamination issues associated with this site. It is therefore recommended that the standard contamination condition be applied to this development should permission be granted. The standard conditions have been added to this recommendation accordingly which will ensure that there are no associated risks due to contamination.

#### Archaeology

The proposed development site lies within Dacorum Area of Archaeological Significance No 12, which notes that Long Marston is a medieval settlement. An area of extant ridge and furrow (HER6165) survives immediately SW, whilst a well preserved medieval moated manorial site (HER2611) and remnants of adjacent medieval Church of All Saints (HER4374) lies 150m W. The development is proposed for an area of land to the rear of Loxley Farm (LB355757, HER17128), a grade II Listed Building, dating from the early 16<sup>th</sup> century. It is reasonable to suggest, given its position that this structure/site could have medieval origins. As such, the archaeology team consider that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. It is therefore demonstrated that provisions for investigation and treatment of archaeology is made through conditions in accordance with policy CS27 of the adopted Core Strategy.

#### CIL

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable.

The Charging Schedule clarifies that the site is in Zone **3** within which a charge of **£150** per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

## Other Material Planning Considerations

It is noted that during pre-applications discussions, the agent has discussed the potential of extending access arrangements for the school in lieu of additional dwellings within the development outside the village boundary. The applicant did not take this further at application stage because it is considered that these works for the school would not warrant or make acceptable dwellings outside of the village boundary and within the Green Belt. Should this development come forward at a later date, the LPA would consider these works on their own merits however it was considered that the 'gifting' or enabling works for the school would not be found as circumstances to outweigh harm to the openness of the Green Belt by new dwellings.

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

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

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

- 2 No development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Details shall include:**

**Details of all materials including the use of cast stone and its finish (colour, texture etc) and its justification ;**  
**Details of windows, doors and other openings;**  
**The interface between the upper storey cladding and this cast stone at ground level**  
**Details of rainwater provision;**  
**Details of rooflights**

**Development shall be carried out in accordance with the approved details.**

Reason: In the interests of the visual amenities of the Conservation Area and historic setting of the development in accordance with policy CS27 and 119 of the local plan.

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

- ii) hard surfacing materials;**
  - soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated**

with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

- proposed finished levels or contours

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policy CS12 and CS27 of the adopted Core Strategy.

- 4 **Prior to the commencement of development, a full tree survey, tree constraints plan and tree protection measures in accordance with BS 5837; 2012 shall be submitted and approved in writing by the LPA. The development shall be carried out in strict accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policies CS12, CS27 and policy 99 of the local plan.

- 5 **The development permitted by this planning permission shall be carried out in accordance with the approved FRA carried out by Nimbus reference C-1526 dated August 2015 and Surface Water Management Strategy reference C1559 dated March 2016.**

- Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
  2. Implementing appropriate SuDS measures as indicated on drawing C1559-01 with the use of permeable paving, retention basin and rain garden with discharge into the watercourse.
  3. Providing swales as shown on drawing C1559-01 to intercept any overland flow.
  4. Secure remediation works for existing ditches prior to development commencement to ensure that they shall be kept clear of any obstruction to maintain any surface water flood flow.

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

**Reason**

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS31 of the adopted Core Strategy.

- 6 **No development shall take place until a detailed surface water drainage**

scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 30% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

5. Detailed drainage plan showing the location, size and engineering details of the proposed SuDS, pipe runs, manholes etc.
1. Detailed modelling of the drainage system to support the proposed drainage strategy.

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

**Reason**

To prevent the increased risk of flooding, both on and off site in accordance with policy 31 of the adopted Core Strategy.

- 7 **The development permitted by this planning permission shall be carried out in accordance with the following flood risk mitigation measures:**

2. Finished flood levels are set no lower than 0.7 metres above Ordnance Datum.
  - There shall be no raising of existing ground levels within Flood Zone 2 or Flood Zone 3.
  - Any walls or fencing constructed within Flood Zone 2 and Flood Zone 3 shall be designed to be permeable to flood water.
  - There shall be no storage of any materials including soil within the Flood Zone 3 area.

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

**Reason** To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage in accordance with policy 31 of the adopted Core Strategy.

- 8 **No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall contain the**

**programme of works on site, area of construction vehicle parking, delivery and storage of materials within the site and construction vehicles wheel washing facilities and how the development will not affect the adjacent listed building. The construction of the development hereby permitted shall then be carried out in accordance with the approved Construction Management Plan.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and harm to the listed building in accordance with Policies CS8 and CS27 of the Core Strategy.

- 9 **No development shall commence on site until a scheme has been submitted to, and agreed by the Council in consultation with Hertfordshire County Council, for the provision of a fire hydrant no dwelling shall be occupied until the hydrant serving the property or group of properties has been provided to the satisfaction of the Council.**

Reason : To provide for a safe means of access for fire and emergency vehicles in accordance with policy CS12 of the adopted Core Strategy.

- 10 **Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, which clearly demonstrate how refuse is to be collected from the site.**

Reason: The above condition is required to ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway and to ensure that compliance with standards in 'Roads in Hertfordshire – highway design guide' is achievable at all times in accordance with policies CS8 and CS12 of the adopted Core Strategy

- 11 **Vehicular visibility splays of not less than 2.4 m x 43 m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.**

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

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

1. **The programme and methodology of site investigation and recording**
2. **The programme for post investigation assessment**
3. **Provision to be made for analysis of the site investigation and recording**

4. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
5. **Provision to be made for archive deposition of the analysis and records of the site investigation**
6. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason:to provide properly for the likely archaeological implications of this development proposal in accordance with paragraph 141 of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

- 13 **1) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 12.**

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

Reason:to provide properly for the likely archaeological implications of this development proposal in accordance with paragraph 141 of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently issued Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

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

**Schedule 2 Part 1 Classes A, B, C, E, F.  
Part 2 Classes A and B**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and its historic setting, and the Flood Risk and drainage of the site in accordance with policies CS12, CS27 and CS31 of the adopted Core Strategy.

- 15 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination**

is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (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:

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

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

**(b) Submission of Remediation Scheme**

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

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

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

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

**(d) Reporting of Unexpected Contamination**

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, Core Strategy.

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

P094\_GA\_1.01 p3  
P094\_GA\_1.02 P3  
P094\_GA\_1.03 P3  
P094\_GA\_1.04 P3  
P094\_GA\_1.05 P3  
p094\_SP\_00 P3  
P094\_SP\_01 p3  
P094\_SP\_02 P3  
P094\_GA\_2.04 p2  
P094\_GA\_2.05 P2  
P094\_GA\_3.04 P2  
P094\_GA\_3.05 P2  
P094\_GA\_2.01 p2



P094\_GA\_2.02 P2  
P094\_GA\_2.03 P2  
P094\_GA\_2.04 P2  
P094\_GA\_2.05 P2  
P094\_GA\_3.01 P2  
P094\_GA\_3.02 P2  
P094\_GA\_3.03 P2  
P094\_GA\_3.04 P2  
P094\_GA\_3.05 P2  
Water Surface Management Strategy March 2016  
Newt Mitigation Plan  
P04\_ms\_01  
P04\_ms\_02  
P094\_LP\_01

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

Specific Listed building 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.**

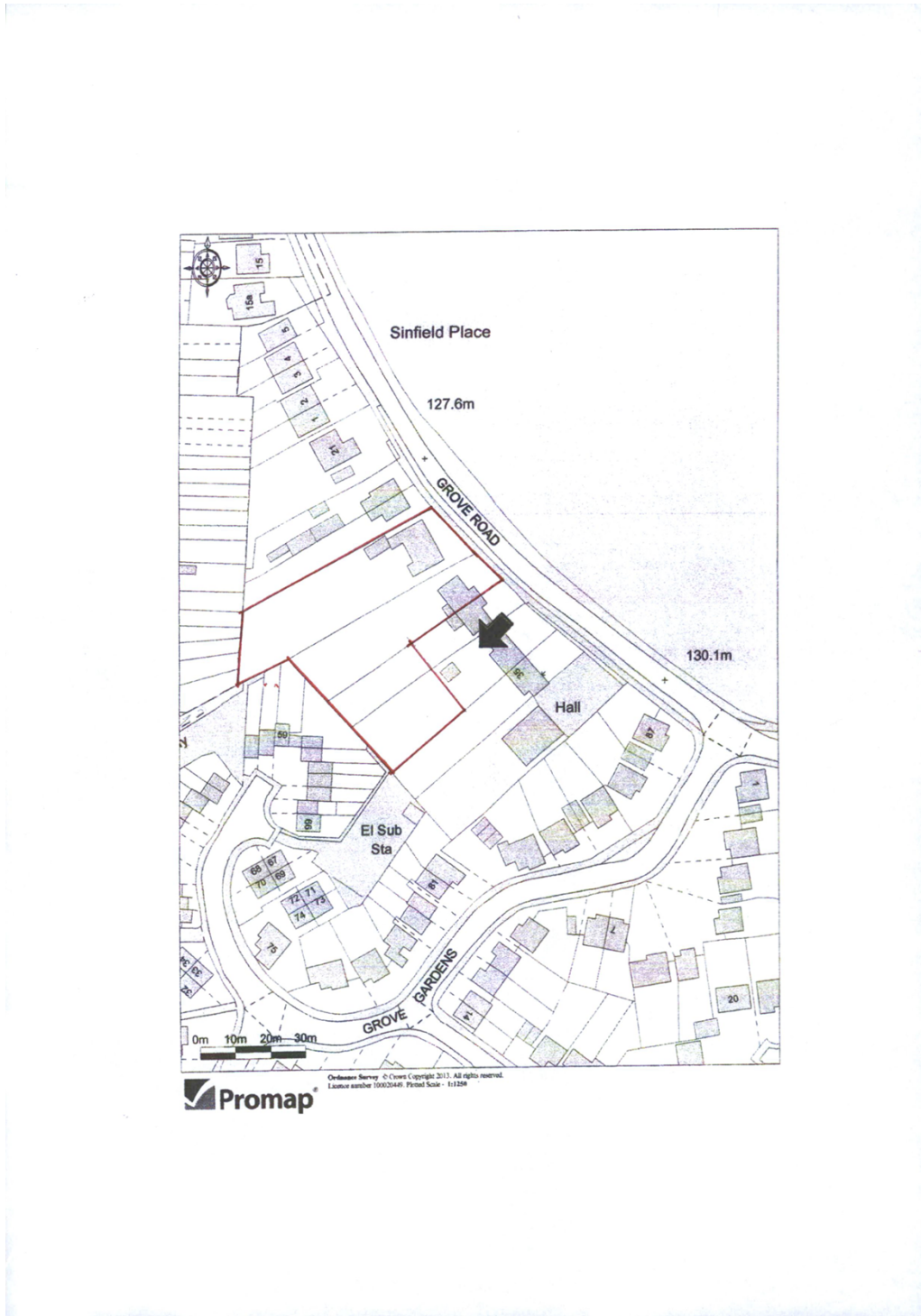
Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

# Agenda Item 5b

## Item 5b

### 4/01801/16/FUL – CONSTRUCTION OF FIVE DETACHED DWELLINGS (AMENDED SCHEME)

#### LAND REAR OF 27-33, GROVE ROAD, TRING



Item 5b

4/01801/16/FUL – CONSTRUCTION OF FIVE DETACHED DWELLINGS  
(AMENDED SCHEME)

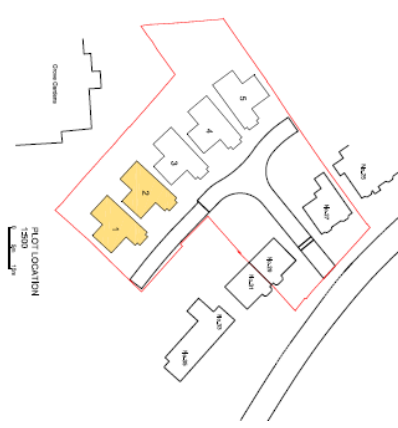
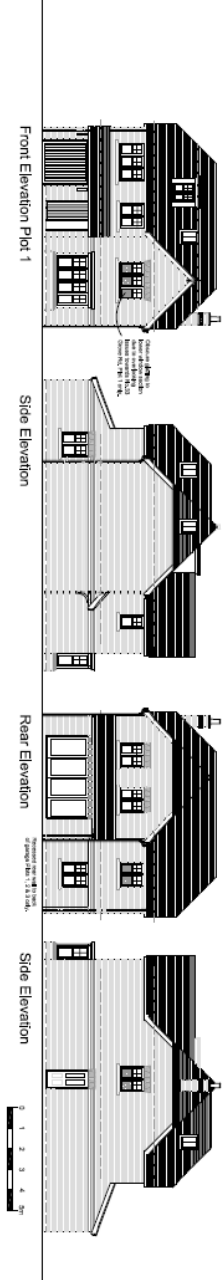
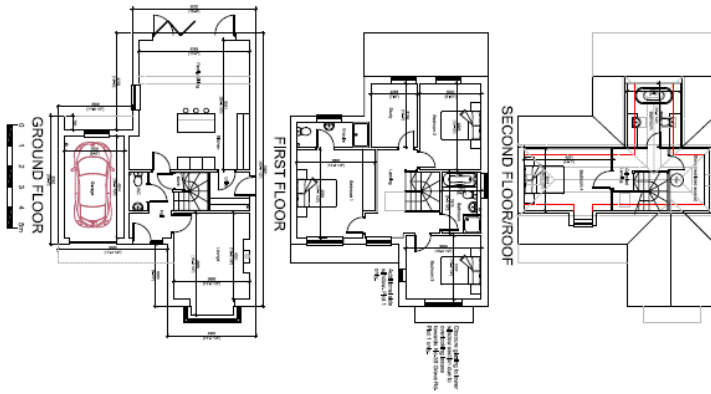
LAND REAR OF 27-33, GROVE ROAD, TRING



Item 5b

4/01801/16/FUL – CONSTRUCTION OF FIVE DETACHED DWELLINGS (AMENDED SCHEME)

LAND REAR OF 27-33, GROVE ROAD, TRING



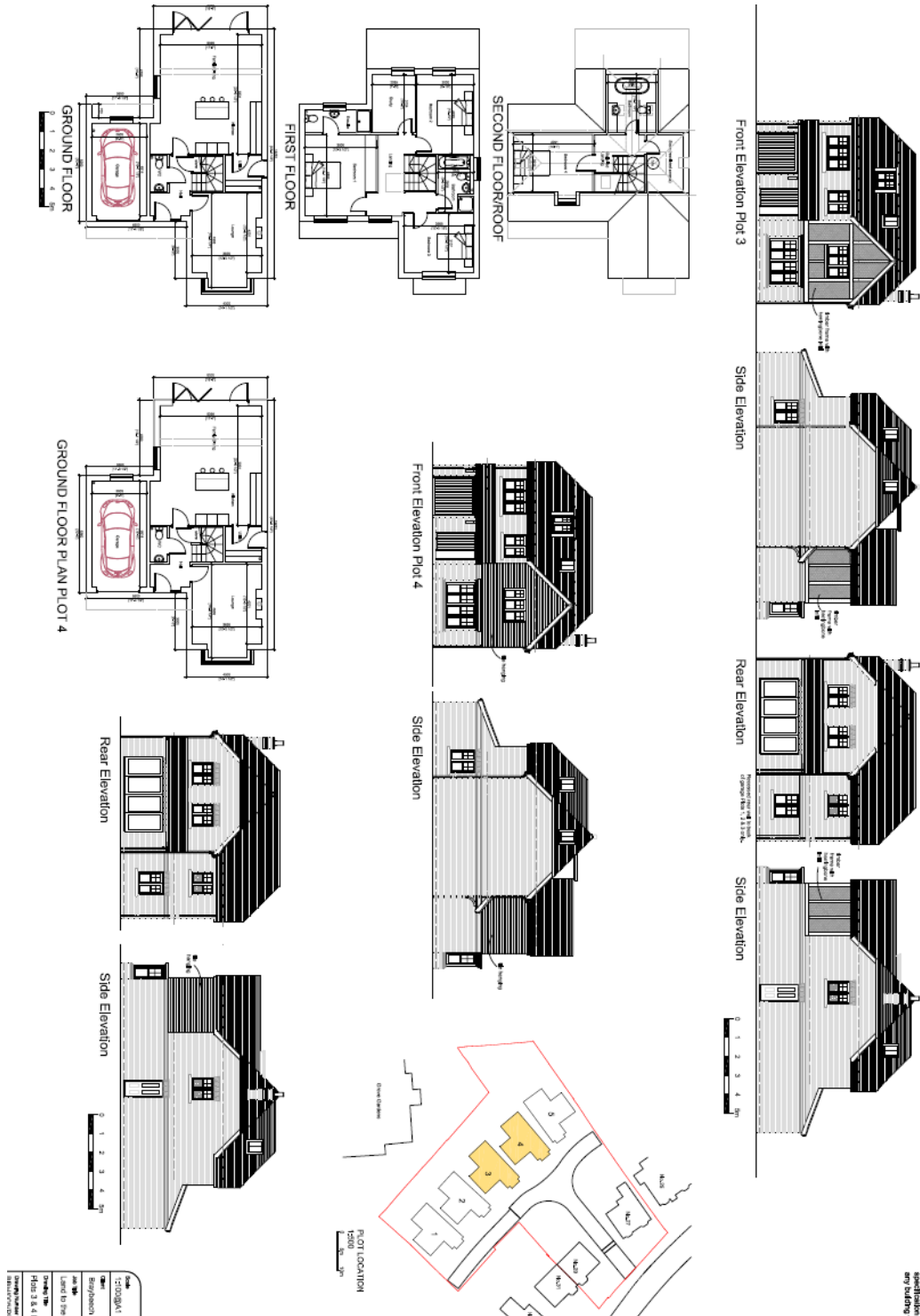
Client	17000841	Plot	Plot 1
Site	2006.15	Model	TW4
Client	Baylisdon Homes Ltd.	Project	Plot 1
Site	Land to the rear of 27-33 Grove Hill, Tring	Project	Plot 1
Client	Hills 1 & 2 Phase and Elevations	Project	Plot 1
Client	REVISED 018	Project	Plot 1
Client	REVISED 018	Project	Plot 1

These drawings are not to be used for any building work if removed or amended without the written consent of the architect.

Item 5b

4/01801/16/FUL – CONSTRUCTION OF FIVE DETACHED DWELLINGS (AMENDED SCHEME)

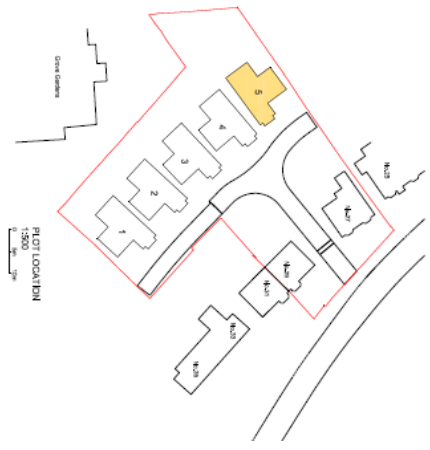
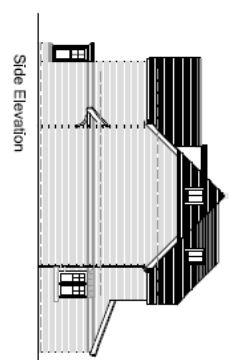
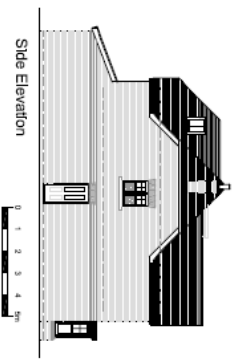
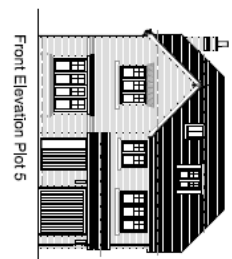
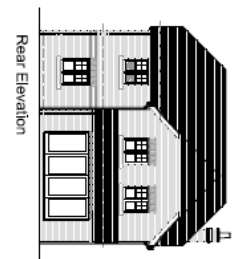
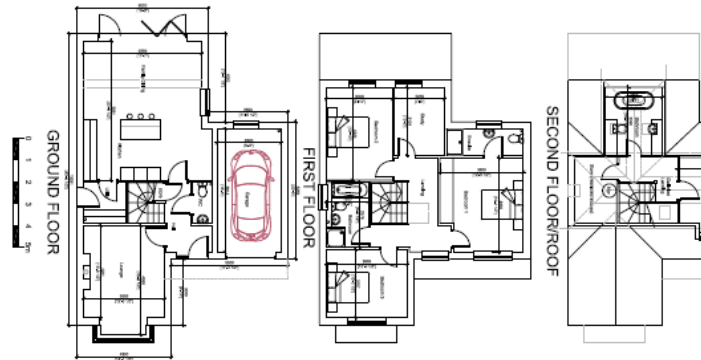
LAND REAR OF 27-33, GROVE ROAD, TRING



Item 5b

4/01801/16/FUL – CONSTRUCTION OF FIVE DETACHED DWELLINGS  
(AMENDED SCHEME)

LAND REAR OF 27-33, GROVE ROAD, TRING

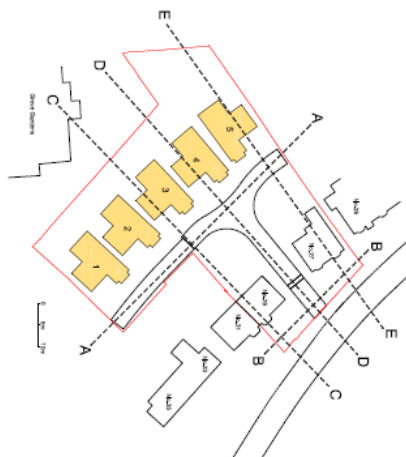
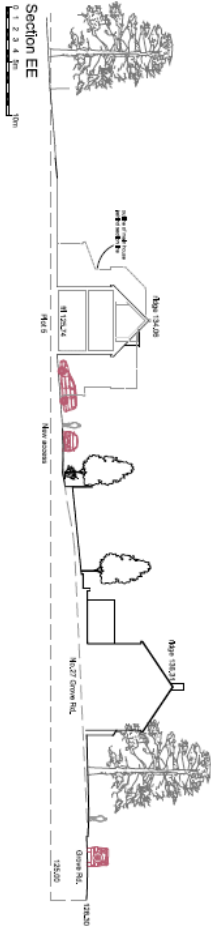
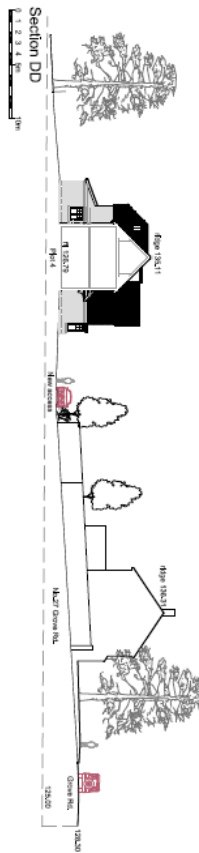
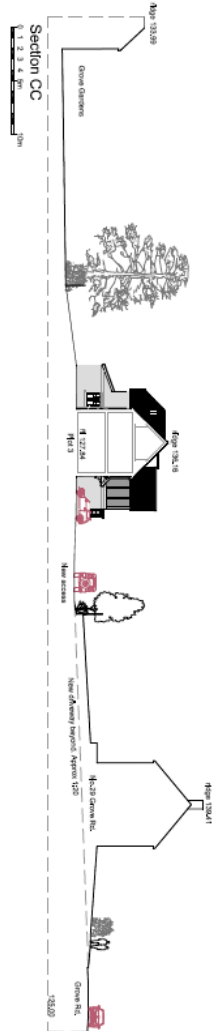
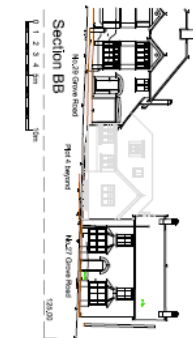
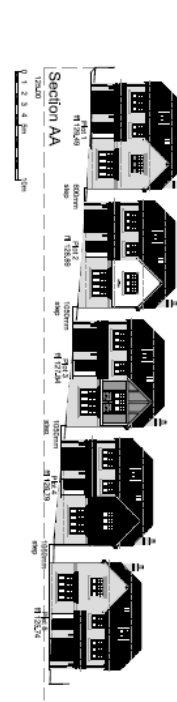


Scale	Date	Drawn
1:1000	20/06/16	FWW

Item 5b

4/01801/16/FUL – CONSTRUCTION OF FIVE DETACHED DWELLINGS (AMENDED SCHEME)

LAND REAR OF 27-33, GROVE ROAD, TRING



Scale	1:500
Date	20/06/16
Client	20/06/16
Project	20/06/16
Drawn by	20/06/16
Checked by	20/06/16
Approved by	20/06/16
Project Manager	20/06/16
Site Location	Land to the rear of 27-33 Grove Road

**Item 5b**

**4/01801/16/FUL – CONSTRUCTION OF FIVE DETACHED DWELLINGS  
(AMENDED SCHEME)**

**LAND REAR OF 27-33, GROVE ROAD, TRING**

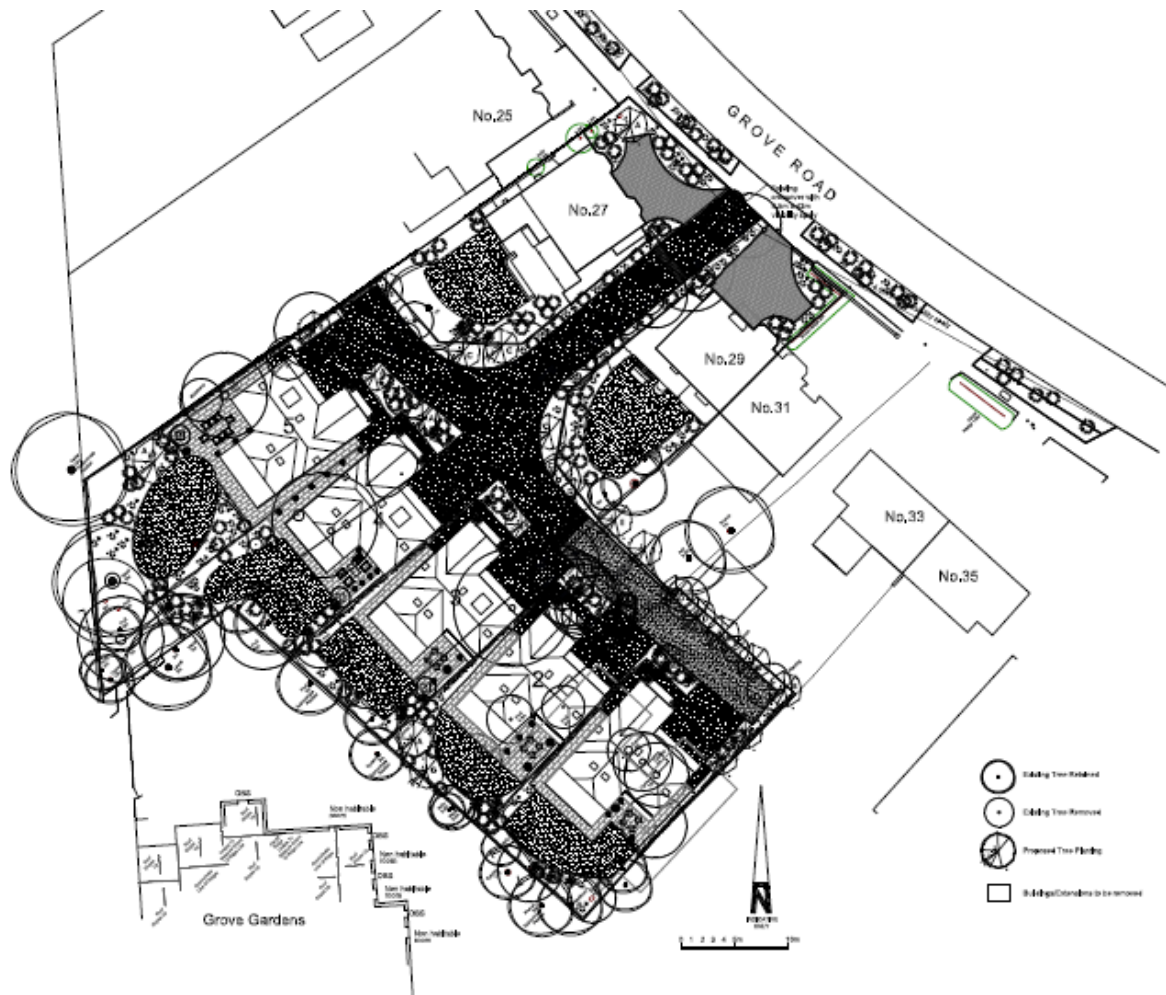




Item 5b

4/01801/16/FUL – CONSTRUCTION OF FIVE DETACHED DWELLINGS  
(AMENDED SCHEME)

LAND REAR OF 27-33, GROVE ROAD, TRING



**4/01801/16/FUL - CONSTRUCTION OF FIVE DETACHED DWELLINGS (AMENDED SCHEME).**

**LAND REAR OF 27-33, GROVE ROAD, TRING.**

**APPLICANT: BRAYBEECH HOMES LTD.**

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[Case Officer - Ross Herbert]

## **Summary**

The application is recommended for approval.

The amended proposal of 5 dwellings would introduce backland development along this part of Grove Road. This development allows for the comprehensive development of a backland site with satisfactory access onto the highway. The scheme has been amended following the previous refusal at DCC to reflect comments of the members, the Town Council and local residents, and the amendments made have resulted in an improved development which would have less of an impact on the character of the areas and the amenity of neighbouring properties. The scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy policy CS17. The proposed road layout within this development would not hinder a more comprehensive scheme to optimise the use of urban land. Despite local opposition to this scheme due to the distances between the proposed houses and existing houses the proposal would not result in significant harm to the residential amenities of neighbouring properties or be detrimental to matters of highways safety. The scheme is therefore in accordance with Core Strategy policies CS8, CS12 and CS13, and Appendices 3 and 5 of the DBLP.

## **Site Description**

The site is located on the south-western side of Grove Road, within the residential area of New Mill West (TCA 13), which forms part of the urban area of Tring. The site comprises of part of the rear gardens of No's 27 - 33 Grove Road.

This section of Grove Road is characterised by a variety in the age and style of the housing stock, with open land on the opposite side of the road. Nos.29-36 comprise of 1960's semi-detached housing, though there are both Victorian terraces and 1990's cul-de-sacs nearby (New Mill Terrace and Grove Gardens respectively). No. 27 comprises of a detached early 20th century property. To the south-east of the site (adjacent to No.35 Grove Road) is the Scout Hut; a community facility, principally for the use of the Scouts and Girl Guides.

Levels fall from south-east to north-west across the site, and also fall to the west. The site contains semi-mature trees and hedges, with the most mature being located along the rear boundary of the site with the New Mill Terrace properties.

## **Proposal**

The proposals have been amended since the refusal of the previous application 4/00069/16/FUL at DCC, with the amended scheme taking into account the concerns raised by the members of the committee, along with those expressed by local residents and the Town Council. A summary of the amendments to the scheme is set out below:

- a reduction of the number of dwellings proposed from 6 to 5, with an associated reduction in the density, as well as the overall scale and massing of the development;
- increased spacing between the proposed dwellings and the site boundaries in order to improve spaciousness and address member's concerns in relation to a cramped appearance;
- reduced depth of the dwellings;
- larger gardens;
- improved separation distances to surrounding neighbouring properties;
- improved spacing to the side boundaries of the site, allowing for screening planting to take place, improving privacy for neighbouring properties;
- resiting of the utility rooms within the proposed dwellings in order to reduce the depth of the houses;
- the reduction in depth has enabled a lowering of the ridge height by 200mm, reducing bulk and massing;
- the dwellings have been lowered into the site to make more efficient use of the site's topography and to enable a further reduction in the impact of the proposed built form on the neighbouring properties. As a result ridge levels are between 170mm and 770mm lower than in the previously refused scheme;
- increased spacing to the front of the properties and their parking areas, allowing more space for additional landscaping and improved vehicle manoeuvrability
- internal garages have been increased in size to make them more accessible and practical for parking of cars;
- all dormer windows and rooflights have been removed from the rear of the proposed dwellings, to provide additional protection to the privacy of the neighbouring properties to the rear of the site.

The amended scheme proposes the construction of 5 x detached 4-bed dwellings on land to the rear of No's 27 - 33 Grove Road, within the rear gardens areas of these properties. This sees a reduction of 1 dwelling when compared to the previous scheme 4/00069/16/FUL which was refused at DCC. The proposed dwellings would be accessed via a new access created between No.'s 27 and 29 Grove Road. The access would be created through the demolition of No. 29's side garage, in order to allow space for the new access road, which would utilise the existing crossover onto Grove Road. Although the proposed houses are two storey, each would contain habitable accommodation in the roofspace.

The proposed scheme includes associated access, turning and manoeuvring facilities, along with the provision of private amenity space and hard and soft landscaping.

### **Referral to Committee**

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

### **Planning History**

4/02848/15/PRE CONSTRUCTION OF 4 OR 6 DWELLINGS (2 SCHEMES)

4/00069/16/FUL CONSTRUCTION OF SIX FOUR BED DWELLINGS  
Refused  
03/06/2016

4/00705/05/OUT FOUR TERRACED DWELLINGS  
Refused  
31/05/2005

4/00153/05/OUT DEMOLITION OF GARAGE AND CONSTRUCTION OF THREE DWELLINGS  
Refused  
29/03/2005

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular NPPG

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS19 - Affordable Housing  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21  
Appendices 1, 2, 3, 4, 5,

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area (TCA 13 New Mill West)  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Planning Obligations (April 2011)  
Affordable Housing (Jan 2013)

## **Summary of Representations**

### Tring Town Council

Tring Town Council considered that the amendments failed to address the issues raised in the prior application and **recommends refusal of the application** [The points raised in objection to application 4/00069/16/FUL still apply].

Whilst the number of houses has been reduced by one, the replacement houses are bigger and the 'envelope' of the new dwellings has not been reduced. The sense of overdevelopment remains.

The rear of the dwellings remain just as close to the properties behind. The proposed dwellings may be in excess of 23m away (window to window) from those behind but the relative heights mean that the proposed dwellings will dominate those below despite the modest reduction in the ridge height (which appears to have been achieved by a reduction in the ground level rather than the bulk of the house).

The concern with regard to the ecology of the site remains and the Town Council would look for independent impact assessments. The bat study included is compromised by the timing of the study (March) when bats are relatively inactive.

The development of the site will affect, with the building and parking, the water run-off and increase the volume going down the slope to Wingrave Road – the natural run-off. How the properties will be connected to the mains drainage given the slope of the site has to be addressed.

Whilst current parking standards may be met, it is widely recognised that they are inadequate in modern circumstances. The net effect of the change from 6 x three bedroom houses to 5 x four bedroom houses will make the actual parking situation worse.

#### Contaminated land officer

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

#### Strategic Housing

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

The proposal will be exempt from any affordable housing contribution as less than 10 units are to be developed.

#### Highway Authority

##### Decision

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

following conditions:

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

## CONDITIONS

1. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

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

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

3. Prior to first occupation a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

4. No part of the development shall begin until the means of access has been constructed in accordance with the approved drawing and constructed in accordance with " Roads in Hertfordshire A Guide for New developments".

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

5. Before first occupation or use of the development the access roads and parking areas as shown on the approved plan(s) shall be provided and maintained thereafter.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

6. Contractors parking. On site parking shall be provided for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site in accordance with details to be agreed in writing with the Local Planning Authority before the commencement of site works. The parking area shall remain until building and clearance work have been completed.

Reason: To ensure that no obstruction to the public highway occurs during the

construction period.

7. Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of:

- Phasing for the development of the site, including all highway works; o Methods for accessing the site, including construction vehicle numbers and routing;
- Location and details of wheel washing facilities; and
- Associated parking areas and storage of materials clear of the public highway.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

8. 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.

9. Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason. To minimise the impact of construction vehicles and to improve the amenity of the local area.

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

## INFORMATIVES

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

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway

Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

#### COMMENTS

The above application is for the construction of 5 new dwellings with new access road. This estate comprises 5 x 4-bed detached houses with a new shared drive between 27 and 29 Grove Road to provide access to the site.

#### PARKING

The proposal is that each new property will have one integral garage and one off-street parking space hard standings in front of the property, with one visitor space, giving a total of 11 spaces. The existing garage for no 27 will be demolished, reducing parking by one space, however, the front drive is to be extended for both existing properties.

#### ACCESS

A new shared surface driveway is to be constructed, between numbers 27 and 29 Grove Road, requiring the demolition of the side extension to number 27, to create a 4.1m wide access to the site. Drawing BBH 005 PL08 indicates that visibility splays of 2.4m x 43m would be achievable for the development.

The Swept Path analysis in Drawing BBH 005 PL08 indicates that vehicles will be able to turn on site so as to leave and enter in forward gear.

Grove Road is an unclassified local access road, subject to a 30mph speed limit.

#### EMERGENCY FIRE ACCESS AND REFUSE COLLECTION

The swept path analysis diagrams in the Design and Access Statement does not include large vehicles such as refuse lorries or fire engines. The fire services department would need to be consulted for their comments regarding the accessibility of the proposed dwellings by fire service vehicles.

#### TRIP GENERATION

No significant number of additional trips will be result from this proposal being implemented. Therefore, the capacity of the road network in the vicinity of the site is not a major issue.

#### CONCLUSION

HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity, subject to the conditions and informative notes above.



## Thames Water

### Waste Comments

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

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

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

### Water Comments

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

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

## Herts and Middlesex Wildlife Trust

The submitted preliminary bat roost assessment clearly states that another bat survey (emergence survey) is required to determine if bats are present. This must be conducted before a decision can be reached - in accordance with the submitted report. ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision. Therefore this application should not be determined until the stated survey has been completed and approved.

## Herts Property Services

Thank you for your email regarding the above mentioned planning application.

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

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

### Conservation and Design

No comments.

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

#### 22 New Mill Terrace

Yet again we have not received any notification of the above planning application revision from dwellings to five. As stated in my previous email we object to any further development to the rear of 27-33 Grove Road, Tring.

- 1) Parking is an enormous problem in the area. Residents from Grove Road are already parking in Wingrave Road where the residents have no off road parking and no choice but to park on the road.
- 2) With the additional developments in the surrounding villages traffic congestion is still an issue. The local council have introduced speed monitors in all but the worst roads, Wingrave Road, New Mill Terrace and Brook Street. Many complaints have been made by local residents. This development will cause roadway safety issues as their point of access to Grove Road will be a) near an infant/junior school b) near the scout hut and c) near a blind bend in Grove Road.
- 3) The area supports a wide range of wildlife consisting of badgers, birds and bats. The bats are present in the area. We can confirm this by photo since we had one fly in through a back window last year.
- 4) New Mill Terrace which the proposed dwellings will overlook are as Dacorum should be well aware are on the flood plain. The development under construction further along Brook Street is already having flooding issues with the waste water being discharged into the road. Every time we experience heavy rain we are particularly concerned since our property has a well in the cellar which has on previous occasions flooded ruining our belongings. With increased land coverage by buildings, parking and road areas 'run off water' will increase adding to the already existing drainage problems. I notice that a vehicle is deployed after heavy rainfall to remove the surface water on the road at present so this situation will only worsen.

- 5) I consider any development infilling this area to be over development. It is not in keeping with the existing properties. Dacorum probably has no issue with this when you look at such eye sores as the 'Benidorm' developments in Brook Street and the overbearing nature of the new properties built on the old garage site on Grove Road. These properties tower over existing properties.
- 6) The impact these dwellings will have being effectively three storeys high will be extremely overbearing upon New Mill Terrace below. It will be like having a block of flats in your garden overlooking the house. There will be a reduction of sunlight and an increase in noise from the vehicles from these properties. Generally these days most residents have at least two vehicles for each dwelling.

Our neighbour at No 23 New Mill Terrace is currently trying to sell her property and a prospective purchaser is proposing to build a 'granny annex' within the garden area there. Can anyone just build anywhere these days? Or maybe it also has something to do with this development. Who knows! There were rumours that a councillor was involved in this particular development surely that would be a conflict of interests! I do hope you will accept this email as another objection to the above planning application even though it is out of time. I do think Dacorum should contact all residents who had previously lodged a complaint whether they feel it would in their opinion have any impact on them or not!

#### 24 New Mill Terrace

Following on from the revised plans of the 5 detached dwellings to the Land rear of 27-33, Grove Road our concerns remain the same and we have the below objections:

- Loss of light and overshadowing
- overlooking and loss of privacy. The proposed site to the rear of our garden is already on raised ground so once a 3 story house is there (plot 5 particularly), our garden will be significantly overlooked.
- Noise and disturbance
- Visual intrusion
- The impact of construction - noise and view
- Views from house windows
- loss of property value
- risk of trees being destroyed, killed or damaged from construction potentially impacting on view and privacy further
- wildlife
- Drainage - already have problems in our driveway

#### 26 New Mill Terrace

I refer to the above amended application, to which I strongly object to. This is the 4th time that a proposal has been made to develop the land between New Mill Terrace & Grove Road. It has been refused 3 times.

It is still an over development of the site, and would cause significant harm to the character of the area, being a cramped & contrived form of development, which makes the Proposal contrary to Core Strategy policies CS11 and CS12, Tring Character Area

(TCA) of the Saved Local Plan and the NPPF.

The development will be visual from our house, the Proposed Houses are 3 storeys high with rooms in the top floor they are above the tree line. Although one property has been removed from the original Plan, the height of the houses have only been reduced by a minimal amount, they are over 17 metres higher than us which make them more imposing than on the level.

Footprint of each house has increased, despite the removal of one house, the footprint remains similar to the Refused Application.

The proposal exits across a pavement onto Grove Road, meaning a minimum of 10 cars, multiple times daily, makes it extremely dangerous for pedestrians, with many School children attending both Grove Road & Tring School using Grove Road on their journey to and from school.

Four bedroom houses are not providing affordable housing for the residents of Tring, which is so badly needed in the area.

For the residents of No 35 Grove Road, the proposal is even worse than the last one as they now have 2 windows to the side of the Proposed House overlooking their garden & rear of the house.

The developer, in the new Plans, Plot 5, has conveniently used the furthest away point from the rear of the house to the rear boundary, looking at the drawings the house is still the same distance from the rear boundary as in the previous proposal.

There have been numerous sightings of bats within the proposed development - an up to date report should be provided as March is not a particularly active month for them.

I would ask the Council to continue to support the residents and refuse this application

#### 27 New Mill Terrace

Object to the development on grove road for all the same reasons as before, privacy, drainage and they will look down on us at new mill terrace- being extremely overbearing.

#### 28 New Mill Terrace

The revised plans do not address previous concerns that have been submitted namely: Privacy, water run off, affect on property value, not in keeping with area.

#### 29 New Mill Terrace

This is the third time of having to submit our objections to development at the above site as it has been refused twice previously. The revised plans do not in our opinion satisfy the reasons for previous refusals of this development. They are still contrary to the core strategy policies CS11 and CS12, Tring Character Area (TCA) 13 of the Saved Local Plan, and the NPPF.

The following is a summary of our objections

- Loss of privacy to New Mill Terrace properties at rear of site due to the elevated position.

- Development will set precedent for further development of the gardens in Grove Road. The gardens next to the site have already been surveyed for future development.
- It has been reported that there are trees outside the boundary of the site that will create screening to our properties. This is incorrect as there are no trees at the end of our garden, they are on the land of the proposed site. There are no protection orders on any of the trees currently acting as a screen so they could be cut down at any time exposing the development. It is not clear which trees will remain and which will be removed.
- Not in keeping with our properties. New Mill Terrace are period properties the development is not in keeping with these.
- The properties will still create an overbearing impact as they are still three story buildings.
- Provision has only been made for 10 vehicles. The property owners will have 3 or 4 cars per household ie 15 20 vehicles. Also if one is parked in the garage, the one on the driveway will have to be moved to allow the one in the garage to get out. Where are the other vehicles going to park?
- There is no proposal for social housing. This is a profit only motivated project.
- There will be an adverse effect on the wildlife. The reports submitted have been obtained by the builder and the points contained within have not been fully addressed. Ross Herbert assured me at a site visit that Dacorum would initiate their own reports. That has not happened.
- Arbtech Report Appendix 4 Legislation and Planning Policy related to bats states the laws relevant and this development will contravene the laws. The report recommends an emergence survey between may and September. This has not been done. I have a video evidence showing the Bat activity on the site that proves the laws will be broken.
- Drainage, both natural and waste issues have not been resolved.

### 30 New Mill Terrace

Objects.

### 1 Sinfield Place

I see we are back to this again..... and again it looks like not much has changed!! I have added my comments to the Dacorum borough website but the fact that today is the last day for submitting and there is only 1 objection to this devopment I thought it would be best to send it direct to you as well.

Why is it showing a single objection?? Pretty sure you have had more than that.....

I would like to object to the planning and my main points are

The privacy, switched the issue slightly from the rear of the house and moved them to affect us more. Just because 21, 23, 25 Grove Road don't object because they stand to gain financially does not make it okay. The top Windows on plot 5 will now over look, 21,23,25 Grove Road, 1 & 2 Sinfield place with zero shielding from any trees!

The size of the development still looks the same foot print so all the drainage issues and over bearing properties still apply.

And for me the strongest reason and one of the reasons that the council members at Dacorum rejected on is that this will be phase one of a two or three phase development with the owners of 21,23 & 25 Grove Road already confirming that they are looking to develop on their land if planning is granted.

### 3 Sinfield Place

I am writing to you with regards to the above referenced planning application for 5 detached houses to the rear of 27-33 Grove Road.

As the owner of a house less than 100 yards down the road from this development (3 Sinfield Place, Grove Road) I wanted to register my objections to this development based on the following points;

- Loss of a value adding view from my master bedroom; our houses enjoy a fortunate vantage point due to the local geography which gives us a view and an aspect which is largely green and filled with some impressive trees (see attached photo). This will be lost and replaced with a view largely compromising of what must be some quite tall houses.
- Creation of a precedent for 'in-filling' of garden space for development purposes. If approved this scheme could impact other homes in the area in the years to come, for instance the houses directly to the rear of my property on Sinfield Place all enjoy long garden space which could become a future development opportunity if all of those home owners can be persuaded to sell chunks of their gardens.
- A large part of moving to Tring, and this house in particular, is to live in an environment which is not over-developed and crowded. Schemes such as this threaten the ambience and character of the town and make it less attractive overall to people looking for a pleasant commuter town, damaging more property value in the long term than these houses create.
- Linked to the above I expect that there will also be an impact to the privacy of my garden: it appears from the plans that there are some velux windows on number 5's roof will look out over our garden.
- Disruption caused during development: an extensive clearing operation will be required before the building even work begins, the project in total will probably take at least 18-24mths to complete causing considerable noise and works traffic disruption for the duration.

Many thanks in advance for ensuring that these points are taken into consideration when reviewing this planning application.

### 35 Grove Road

I would like to confirm that I still objects with the above plans on all of the points previously raised.

I live at 35 Grove Road right next door to the proposed development.

Although the new plans are showing one less house and previously proposed the impact of the plot one house closest to me has actually worsened !

I am suffering greater overlooking and loss of privacy as the visual intrusion into the rear of my property is now even greater due to a new revised window in the roof of the second floor on the front elevation and an additional first floor window to the side elevation, further overlooking my two rear bedrooms my living room and dining room and garden.

I still have the impact of overshadowing causing loss of light to the rear of my house and garden from the proposed plot one house.

There still appears to be no extra screening showing between my property and the new development.

I still have concerns about the amount of extra traffic crossing the pavement of Grove Road I feel the impact would now be even greater as the proposed houses have been amended to 4 bedrooms rather than 3 bedrooms bringing more vehicles making it more dangerous for the large amount of school children that walk to and from school everyday along this stretch of Grove Road.

Overall the development will still cover the same area which it covered before and although there is one less house the fact that they have now changed from 3 bedrooms to 4 bedrooms will surely increase traffic generation causing further highway issues and noise and disturbance. In my opinion the detrimental impact on the houses surrounding this development have worsened.

I still feel there would be an adverse impact on the nature of the area especially where Bats are concerned. I strongly feel that further bat surveys are needed as they were previously carried out in March when activity in bats is very low, from early June we have bats fly around my garden and number 33 back garden every evening at dusk.

I feel the size of this development and the new plots now proposed are still on over development of the site.

There is still no affordable housing being proposed.

## **Considerations**

### Policy and Principle

Paragraph 14 of the NPPF introduced the presumption in favour of sustainable development, and confirms that this should be seen as the 'golden thread' running through the framework for both plan making and decision taking. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The site is located within the residential area of Tring where Core Strategy policies CS1 and CS4 are relevant to this site. Policy CS1 seeks to guide new development to the towns and large villages, in order to protect the more rural areas of the borough. Policy CS4 states that appropriate residential development is encouraged in residential areas.

Therefore the proposed development of a small number of new houses in a residential area of Tring is acceptable in principle providing it also meets the following criteria: avoids harm to neighbouring properties; respects the general character and

appearance of the street scene; provides adequate parking and amenity space; provides suitable access arrangements; and that it provides a comprehensive and efficient utilisation of the land.

Saved Policy 10 of the DBLP encourages the optimisation of urban land, and therefore provides support to Policy CS4 in encouraging residential development in urban areas. However, the need to optimise urban land needs to be balanced against the need to respect the character of the area.

The Council's Supplementary Planning Guidance on Development in Residential Areas is therefore also relevant. The site is located in the Residential Character Area TCA 13: New Mill West for this part of Grove Road. The development principles for TCA13 therefore need to be taken into account in the assessment of this proposal. New Mill West is described as an area "*including later development from the 1960s onwards*", but has a varied character including Victorian terraces, 1960's cul-de-sacs and more modern cul-de-sac development in the Grove Gardens area. The development principles for the area identify New Mill West as an area of limited opportunity for residential development, although infilling may be acceptable subject to the development principles. In this area there is scope for variation and innovation in terms of the design of housing, though small to moderate sized terraced dwellings not exceeding two storeys are encouraged. Furthermore, the existing layout structure of the area should be maintained, the general building line should normally be followed, and spacing within the close range (2 m or less) will be acceptable. Densities in the medium range 30 - 35 dph are encouraged.

#### Impact on the Character of the Area/Street Scene

##### *Street Scene*

In a general sense the proposed development, being backland development, would have very little impact on the Grove Road street scene as the new houses would be set well to the rear of the frontage houses, more than 40 metres set back from the road. It would be possible to view the development from Grove Road, however such views would be limited to a small stretch of road directly in line with the proposed access road. The limited views which would exist from directly in line with the proposed access, would be partial views of the front elevations of units 4 and 5, and these units are considered to be inkeeping with the varied character of dwellings in this area. The proposed development and the associated access road will have no significant adverse effect on the character or appearance of the Grove Road street scene.

##### *Comprehensive Development*

This proposal optimises the amount of development behind Nos. 27 and 33 Grove Road whilst demonstrating how the site could be extended to develop to the rear of the adjoining properties, should these sites become available in the future. As a result this scheme allows for the optimisation of development in line with policy requirements. As such it is considered that this scheme represents an efficient use of this backland site. It comprises of backland development as opposed to tandem development, which is discouraged by local policy. Furthermore it is recognised that Grove Road and Station Road in this part of the town have been subject to similar forms of development in the recent past, and they now form part of the urban grain and the character of the area.



The application site falls within the character area of New Mill West (TCA13). It is considered that this proposal would broadly meet the development principles for this area in that the proposed dwellings are medium-sized two-storey dwellings. It is accepted that the proposed dwellings are detached and semi-detached, as opposed to the terraced dwellings which the development principles encourage. However, given the varied types and sizes of dwellings in the immediate vicinity of the site, including detached, semi-detached and terraced dwellings, it is not considered that the proposed dwellings would be out of character in this area.

It is appreciated that as backland development the proposed development would establish a new building line and would also introduce a new layout structure to the area. However, the surrounding area is characterised by a varied pattern of development. Grove Gardens to the south is a cul-de-sac development that runs perpendicular to Grove Road and returns round to form the rear boundary of the site. To the north No's.1-5 Sinfield Place have rear gardens that would be very similar in size to that proposed for the proposed dwellings, as do the majority of the houses within Grove Gardens. Furthermore, it is noted that this development would not see the introduction of an isolated random house. Rather it would form a comprehensive development of 6 houses with the potential to increase this to both the north-west and south-east.

This is important because how Policy 10 is applied needs to be carefully considered. It is important to note that the second paragraph of the policy refers to securing the 'optimum' use of land, rather than the 'maximum' use of land. This choice of wording was deliberate as the policy goes on to refer to developments '*achieving the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan.*' In this case, due to the existing residential density, varied housing layout, and the proposed comprehensive development it is not considered that the development would be contrary to the established character and appearance of the area.

The proposed scheme generates a density of 25.73 dph (including the existing frontage properties No's 27 and 29 Grove Road). This is down from 29.41 dph in the previous scheme. This density is inkeeping with the density of surrounding development and is in line with the medium density range set out within the development principles for TCA 13 (30-35 dph), albeit it is actually slightly below this figure.

It should also be noted that similar backland development schemes have been granted in recent years in this area of Tring, and are being delivered by the same applicant. Three backland schemes of 2 dwellings each were granted under Applications Ref's 4/00242/09/FUL, 4/00643/11/FUL and 4/00542/13/FUL, relating to land to the rear of No's 100, 102 & 104, and 96 & 98 Grove Road respectively. These permissions now comprise of a comprehensive development of 6 houses with a T shaped access, similar to the proposed scheme. The 2013 application was granted at DCC.

More recently planning permission was granted at appeal on 19/09/2014 for the construction of 4 semi-detached houses on land to the rear of No's 14 & 15 Station Road, following refusal of Application Ref: 4/00024/14/FUL.

It is therefore considered that the proposed backland residential development to the rear of No's 27 - 33 Grove Road is acceptable in principle, and would also be in

keeping with the character and appearance of the area. The proposals would have no significant impact on the character and appearance of the Grove Road street scene, and it is considered that the proposals would comply with Policies CS11 and CS12 of the Core Strategy.

### Quantum/Density

The proposed quantum of 5 houses is considered acceptable for the application site. The number of houses has been reduced from 6 to 5 when compared to the previously refused scheme. The scheme has been designed to provide a high quality residential development which meets the development principles for TCA13, as set out above. It has also been designed to meet the required spacing and separation distances required to ensure that the impact of the development on the amenity of neighbouring properties is minimised as far as possible (this will be explored in more detail later in the report). The density of 25.73 dph is inkeeping with the density of surrounding development and is in line with the medium density range set out within the development principles for TCA 13 (30-35 dph), albeit it is actually slightly below this figure.

Both the quantum of development (5 houses) and the density of the scheme (25.73 dph) are considered to be acceptable and inkeeping with policy. The scheme would not represent an overdevelopment of the site.

### Scale/Design

As stated above, It is considered that this proposal would broadly meet the development principles for this area in that the proposed dwellings are medium-sized two-storey dwellings. It is accepted that the proposed dwellings in this amended scheme are detached, as opposed to the terraced dwellings, which the development principles encourage. However, given the varied types and sizes of dwellings in the immediate vicinity of the site, including detached, semi-detached and terraced dwellings, it is not considered that the proposed dwellings would be out of character in this area. In this area there is scope for variation and innovation in terms of the design of housing. The proposed dwellings are of a traditional design, with traditional proportions, materials, features and detailing.

Following pre-application advice, the applicants amended the scheme to reduce the bulk and massing of the proposed dwellings, as officers raised concerns in this area. Consequently the dwellings were reduced in height by 400mm. Further articulation and variation was also introduced in order to break up the bulk and massing of the dwellings and add visual interest, with front and rear projections, mono-pitch projections and bay windows being added, along with a variation in building lines, heights and a variety of materials. The dwellings would include bedrooms within the roof space. Utilising the roof space to provide the 4th bedroom has allowed the scale of the dwellings to be minimised, and is considered to represent an efficient use of space.

Brick lintel course, stone cills and traditional brick chimneys are proposed as part of the high quality traditional design approach adopted. In addition to these measures, the properties also have half-hipped roofs, which also reduce the bulk and massing. It is considered that these measures have significantly improved the scheme, with the bulk and massing of the dwellings now being more successfully broken up.

The site topography serves to provide a cascading street scene, with the eaves and ridge lines of the dwellings staggering across the site. This also helps to break up the bulk and massing the houses. This would reduce the impact of the proposed properties on the surrounding properties.

When compared to the previous scheme, this latest scheme has been further amended to reflect the concerns expressed by members, the Town Council and local residents. These amendments include:

- a reduction of the number of dwellings proposed from 6 to 5, with an associated reduction in the density, as well as the overall scale and massing of the development;
- increased spacing between the proposed dwellings and the site boundaries in order to improve spaciousness and address member's concerns in relation to a cramped appearance;
- reduced depth of the dwellings;
- improved separation distances to surrounding neighbouring properties;
- improved spacing to the side boundaries of the site, allowing for screening planting to take place, improving privacy for neighbouring properties;
- resiting of the utility rooms within the proposed dwellings in order to reduce the depth of the houses;
- the reduction in depth has enabled a lowering of the ridge height by 200mm, reducing bulk and massing;
- the dwellings have been lowered into the site to make more efficient use of the site's topography and to enable a further reduction in the impact of the proposed built form on the neighbouring properties. As a result ridge levels are between 170mm and 770mm lower than in the previously refused scheme;
- all dormer windows and rooflights have been removed from the rear of the proposed dwellings, to provide additional protection to the privacy of the neighbouring properties to the rear of the site.

The reduction in the bulk, scale and height of the proposed dwellings, along with the reduction in numbers and the removal of the rear dormer windows, all serve to reduce the scale of the proposed dwellings and their associated impact on the character of the area and the amenity of the neighbouring properties. These amendments, when taken together with the amendments made to the previous scheme, are considered to represent an improvement to the overall development, which is considered to be acceptable in policy terms.

It is considered that the scale and design of the proposed dwellings in this amended scheme is inkeeping with that of surrounding dwellings, with a variety of dwelling sizes and types in evidence in the surrounding roads and local area, as discussed previously. The proposed dwellings and the wider development are considered to represent a high quality, traditional development which would be inkeeping with the character and appearance of the surrounding area, in compliance with Core Strategy Policy CS12.

#### Impact on Neighbours

Careful consideration has been given to the impact that the proposed development

would have on the adjoining neighbours, given the number of objections that have been received from local residents. Policy CS12 states that, with regards to the effect of a development on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy.

The proposed development have been carefully designed to avoid any significant impact on the neighbouring properties when considering potential loss of daylight, sunlight or privacy, or through visual intrusion. Given the fact that the proposals comprise of the redevelopment of a backland site, the need to pay careful attention to the layout and design of the scheme so as to avoid any significant impact on the surrounding properties has been particularly important in this application. This was stressed at pre-application stage, and has been taken on board by the applicants throughout the pre-app and application process. This latest scheme has also been further amended to reflect the concerns expressed by members, the Town Council and local residents as part of the previous planning application. The applicants have given serious consideration to the concerns raised and have sought to address these concerns through a raft of additional amendments to the overall scheme. These amendments include:

- a reduction of the number of dwellings proposed from 6 to 5, with an associated reduction in the density, as well as the overall scale and massing of the development;
- increased spacing between the proposed dwellings and the site boundaries in order to improve spaciousness and address member's concerns in relation to a cramped appearance;
- reduced depth of the dwellings;
- improved separation distances to surrounding neighbouring properties;
- improved spacing to the side boundaries of the site, allowing for screening planting to take place, improving privacy for neighbouring properties;
- resiting of the utility rooms within the proposed dwellings in order to reduce the depth of the houses;
- the reduction in depth has enabled a lowering of the ridge height by 200mm, reducing bulk and massing;
- the dwellings have been lowered into the site to make more efficient use of the site's topography and to enable a further reduction in the impact of the proposed built form on the neighbouring properties. As a result ridge levels are between 170mm and 770mm lower than in the previously refused scheme;
- all dormer windows and rooflights have been removed from the rear of the proposed dwellings, to provide additional protection to the privacy of the neighbouring properties to the rear of the site.

The proposed site layout, along with the layout of the proposed dwellings themselves, have been designed to ensure that they can sit comfortably on the site, whilst maintaining adequate spacing and separation distances to the surrounding properties. The layout of the scheme and the dwellings has been designed to minimise overlooking. Appendix 3 of the saved Dacorum Borough Local Plan contains guidance on layout and design for new developments. It requires a minimum distance of 23m be maintained between the main rear wall of the dwelling and the main wall of another (although distances less than this can be considered to be acceptable where the viewing angles are oblique). It also requires minimum garden depths of 11.5m to be achieved.

The proposed scheme has been designed with this guidance in mind, and the separation distances are shown on the Proposed Site Plan Drawing No. BBH/005/PL/08. The layout of the proposed dwellings is shown on the proposed Plans and Elevations Plans for the respective plots, Drawing No's BBH/005/PL/09, 10 and 11.

The layout of the dwellings has been amended when compared to the previous scheme to reflect concerns raised by members, the Town Council and local residents in relation to privacy. As a result, whilst the front elevations still contain dormers and rooflights, the dormers and rooflights on the rear elevations have been completely removed to further reduce the perception of loss of privacy. Given that adequate separation distances are still achieved in this amended scheme, this measure is considered to represent a significant concession by the applicants, and illustrates how they are seeking to address the concerns expressed under the previous scheme.

The amended scheme has improved separation distances between the proposed dwellings and neighbouring properties when compared to the previous scheme. This is despite the previous scheme already providing separation distances which complied with policy guidance. Separation distances from the front elevations of the proposed dwellings to the rear elevations of the dwellings fronting Grove Road are now between 23.2m and 25.3m. There is only one distance which is slightly below the 23m guideline, which is the plot 1 bedroom 3 window to the bedroom window at No. 33 Grove Road. This window will be permanently fitted with obscure glazing to prevent there being any overlooking or loss of privacy in this instance.

These improved separation distances will achieve adequate relationships between the proposed dwellings and the Grove Road dwellings when considering potential loss of privacy. These separation distances are considered to be acceptable and would maintain an acceptable level of amenity for the existing and proposed dwellings.

This is also considered to be the case when considering the relationship between the rear elevations of the proposed dwellings and the existing properties within Grove Gardens and New Mill Terrace to the rear. Overall it is considered that adequate separation distances have been achieved from habitable room windows on the rear elevations of the proposed dwellings to windows in the Grove Gardens properties to the rear. As can be seen from the Site Layout Plan, there are only a few separation distances that are marginally below the guideline 23m figure. It should be noted, however, that these viewing angles are oblique, due to the orientation of the Grove Gardens properties, meaning that direct overlooking will not be possible. In circumstances such as these, it is usually acceptable to allow a slight reduction in the guideline separation figure, due to the lack of direct overlooking. It should also be noted that the separation distances set out on the Site Layout Plan refer to distances to non-habitable room windows at first floor level within Grove Gardens, serving either bathrooms (fitted with obscure glazing) or landings.

When considering the separation distances to the New Mill Terrace Properties to the rear of the site, it should be noted that these properties are located a significant distance to the rear of the site and, as such, the separation distances achieved would be well in excess of the guideline 23m figure (over 40m away from the rear elevations of the proposed dwellings).

In addition to the separation distances assessed above, the existing and proposed screening and planting between the properties also needs to form part of the assessment when considering the impact of the proposed development on the amenity of the neighbouring properties. The proposed scheme seeks to retain the vast majority of the existing trees around the edge of the site, as well as a number of trees within the rear gardens of the Grove Road properties. Supplementary tree planting is also proposed as part of the scheme, to help mitigate against the loss of some trees, whilst simultaneously supplementing the retained tree screen to help provide effective screening of the proposed for the surrounding properties.

A mixture of native and evergreen specimens will be planted along the south-western boundary of the site, on the boundary with the properties in Grove Gardens and New Mill Terrace, which will ensure year round screening. Evergreen planting will occur along the boundary with the Grove Road properties to ensure year round screening also. Whilst full details of will be requested by condition, officers are now broadly satisfied with the details provided.

The applicants have produced street scene drawings which include the existing and proposed landscaping (Drawing No. BBH/005/PL/12). These are drawn from the topographical survey. The rear elevation street scene provides a good indication of how effectively the boundary landscaping would screen the proposed dwellings from the Grove Gardens and New Mill Terrace properties. Which the upper parts of the proposed dwellings would be visible, the bulk of the dwellings would be effectively screened. The parts which would remain visible comprise primarily of the roof slopes which slope away from the neighbouring dwellings, and are sympathetically designed. Given this context, and the separation distances which would be achieved, it is considered that there would be no significant visual intrusion as a result of the proposed development.

When considering flank windows, those at ground floor level would not result in any overlooking as views to the flank would be obscured by the proposed boundary treatment around the boundary of the site. Those at first floor would serve bathrooms, and so would not serve habitable rooms. There would therefore be no overlooking at a result of the these flank windows. Obscured glazing for the bathroom windows will be conditioned.

There would be no significant loss of daylight or sunlight to neighbouring properties as a result of the proposed development. There would be no breach of the 45 degree or the 25 degree lines when considering the BRE regulations. The separation distances which have been achieved will help to ensure that there would be no significant adverse effects.

#### Impact on Highway Safety

Given the resolution of all outstanding highway issues as part of the previous application, and the highway authority's acceptance of the proposals in their latest response, officers are satisfied that the proposals would provide a safe and efficient access to the proposed development which would result in no significant adverse impacts on highway safety or the free flow of traffic on the local highway network. The proposed access arrangements are considered to comply with Core Strategy Policy CS12.

## Parking

Each of the proposed 4-bed houses would be provided with 3 off-street parking spaces. Each of the proposed dwellings would have an integral garage and 2 additional off-street spaces at the front. The scheme has been amended to improve parking arrangements in the following ways:

- increased spacing to the front of the properties and their parking areas, allowing more space for additional landscaping and improved vehicle manoeuvrability;
- internal garages have been increased in size to make them more accessible and practical for parking of cars;

These amendments have been made to reflect comments by members at the previous committee, and it is considered that they have improved the scheme when considering the proposed parking facilities.

The site is located within Accessibility Zone 4, where 75 - 100 % of the maximum parking standards will be expected. The Council's parking standards are set out in Appendix 5 of the saved Local Plan. These state that for 4-bed dwellings in zone 4, 3 off-street spaces will be required. The proposed parking provision therefore complies with the Council's parking standards.

It should also be noted that the site is situated in a sustainable, urban location within a residential area of Tring, with good access to public transport and within easy walking and cycling distance of the Town Centre and other local amenities.

Each property would have an internal garage which could provide cycle storage, in line with the parking standards for cycle parking.

The proposed parking arrangements are considered to be acceptable and would not lead to additional parking demand being displaced onto the local highway network.

## Impact on Trees and Landscaping

The proposed scheme seeks to remove a number of trees from the central part of the site to facilitate the development, but seeks to retain the vast majority of the existing trees around the edge of the site. Supplementary tree planting is also proposed as part of the scheme, to help mitigate against the loss of some trees, whilst simultaneously supplementing the retained tree screen to help provide effective screening of the proposed for the surrounding properties.

The Council's trees and woodlands officer has been consulted on the proposals and has assessed them on site with the applicants. All outstanding issues were resolved as part of the previous scheme. A mixture of evergreen and native planting will occur along the boundaries with the Grove Road, Grove Gardens and New Mill Terrace properties to ensure year round screening also. Whilst full details of will be requested by condition, officers are now broadly satisfied with the details provided. None of the trees on site are protected or worthy of protection.

This amended scheme has also included additional planting along the flanks of the development, in order to address concerns raised by local residents as part of the previous application. The additional planting is considered to improve what was

already a satisfactory landscaping plan.

The trees and woodlands officer has confirmed that he is satisfied with the tree removal, retention and amended planting plans. Full details to be agreed by condition.

### Ecology

An Ecological Survey has been undertaken at the site and submitted in support of the application. Following the submission of further bat mitigation information which confirms a 'worse case scenario' bat mitigation strategy, Hertfordshire Ecology have confirmed that they are satisfied that the proposed development will not have an adverse impact on protected species, subject to conditions relating to further bat survey work taking place, along with standard informatives for nesting birds and reptiles. Nesting boxes will be installed at the site to provide compensation for the loss of some existing trees.

Whilst an objection has been received this time around from Herts and Middlesex Wildlife Trust, who did not comment previously, the issue they have raised in relation to bats has already been satisfactorily resolved through previous negotiation with Herts Ecology. There is consequently no reason to object to the scheme on ecology grounds.

### Sustainability

The applicants have recently submitted a CPLAN Sustainability Statement to support the application, which at the time of writing the report is currently being booked in for review. Having initially reviewed the statement, it appears to demonstrate that the proposed development will be a high quality sustainable development, with good levels of energy efficiency. Further details will be provided as part of the addendum. The proposals look to be in compliance with the criteria set out within Core Strategy Policy CS29.

### Other Material Planning Considerations

#### Affordable Housing/Viability

Paragraph 173 of the NPPF confirms that:

'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'

Ensuring that development proposals are viable and deliverable is a key consideration in the assessment of planning applications.



On 11<sup>th</sup> May 2016 the Court of Appeal judgment relating to the appeal lodged by the Government to the West Berkshire decision was issued (*R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government* [2016] EWCA Civ 441.). This decision upheld all four appeal grounds brought by the Government, and reversed the earlier decision to quash the policy. The PPG has also been amended to reinstate the relevant paragraphs previously deleted.

In the light of the Court of Appeal decision, the Council has reinstated its Affordable Housing Clarification Note. The content of this note remains unchanged from the March 2015 version, with the exception of a few minor changes to update the background content. As such, small scale housing developments of less than 10 units will not have to provide any affordable housing.

No affordable housing is proposed as part of the scheme as the applicant's state this it would be unviable to do so. Notwithstanding the High Court decision summarised above, the applicants have provided a viability assessment to support the application. They have submitted the viability assessment, which was produced as part of the previous application, to further support their case. This provides robust evidence to show that the scheme would not support the provision of affordable housing on site, or indeed the provision of a commuted sum for on-site affordable housing, as this would render the development financially unviable.

The Council's Strategic Housing Team has reviewed the viability assessment and has provided the following comments, following additional clarification being provided by the viability consultant:

'I am happy to accept that this scheme is unable to provide an affordable housing contribution.

I have fully considered the RICS build cost, sales values and land value with the additional detail below. I therefore recommend that the scheme is financially unviable to provide an affordable housing commuted sum. I note CIL has been included in their appraisal.'

The Group Manager Strategic Housing is satisfied with the viability assessment and supporting information provided, and accepts that the proposed scheme is unable to support an affordable housing contribution in this instance.

Given the High Court decision confirming that small scale housing schemes of less than 10 units will no longer need to provide affordable housing, and the robust evidence submitted showing that to do so would render the scheme unviable regardless, the lack of affordable housing as part of the latest proposals is considered acceptable when considering both national and local planning policy and guidance.

#### Contaminated Land

The Council's contaminated land officer has advised that the site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. She has therefore recommended that the standard contamination condition be applied to this development should

permission be granted. The standard conditions have been added to this recommendation accordingly which will ensure that there are no associated risks due to contamination.

### Drainage

The proposed development would utilise SUDS drainage techniques and full details will be required by condition. The SUDS drainage, which will be an integral part of the scheme, will help to ensure that the scheme incorporates sustainable drainage solutions, which will help to alleviate any risk of surface water discharge from the development to the New Mill Terrace Properties to the rear; an issue which has been raised by local residents. Of course, the scheme will also have to comply with the Building Regulations.

### **Conclusions**

The proposed amended scheme is acceptable for approval. This development allows for the comprehensive development of a backland site with satisfactory access onto the highway. The scheme has been amended following the previous refusal at DCC to reflect comments of the members, the Town Council and local residents, and the amendments made have resulted in an improved development which would have less of an impact on the character of the areas and the amenity of neighbouring properties.

The scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy policy CS17. The proposed road layout within this development would not hinder a more comprehensive scheme to optimise the use of urban land. Despite local opposition to this scheme due to the distances between the proposed houses and existing houses the proposal would not result in significant harm to the residential amenities of neighbouring properties or be detrimental to matters of highways safety. The scheme is therefore in accordance with Core Strategy policies CS8, CS12 and CS13, and Appendices 3 and 5 of the DBLP.

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 shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development.

- 3 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing**

by the local planning authority. These details shall include:

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;

**All hard and soft landscape works shall be carried out in accordance with the approved details. The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 4 **The plans and particulars submitted in accordance with condition 3 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 5 **The details to be submitted for the approval in writing of the local planning authority in accordance with Condition 3 above shall include a scheme indicating all of the proposed means of enclosure within and around the site whether by means of walls, fences or hedges. The approved means of enclosure round the external boundaries of the site shall be constructed, erected or planted prior to the commencement of other construction work on site and the approved means of enclosure within the site shall be constructed, erected or planted at the same time as the buildings to which it relates are constructed.**

Reason: To ensure a satisfactory appearance to the development; to safeguard the visual character of the immediate area; and to safeguard the residential amenities of the neighbouring properties.

- 6 **If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place in the next planting season.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

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

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

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

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

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

- 8 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 7 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

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

**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](http://www.dacorum.gov.uk)**

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

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

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation.**

Reason: In the interests of highway safety.

- 11 The lower section of the bathroom windows at first floor level in the north-western elevations of Plots 1, 2, 3 and 4; the bathroom window at first floor level in the south-eastern elevation of Plot 5; the bedroom window at first floor level in the south-eastern elevation of Plot 1; along with the other windows shown with their lower sections fitted with obscured glazing on Drawing Numbers BBH/005/PL/09, 10 and 11 respectively hereby permitted shall be permanently fitted with obscured glass.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings.

- 12 The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

Reason: 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.

- 13 **Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:**
- a. **Construction vehicle numbers, type, routing;**
  - b. **Traffic management requirements;**
  - c. **Construction and storage compounds (including areas designated for car parking);**
  - d. **Siting and details of wheel washing facilities;**
  - e. **Cleaning of site entrances, site tracks and the adjacent public highway;**
  - f. **Timing of construction activities to avoid school pick up/drop off times;**
  - g. **Provision of sufficient on-site parking prior to commencement of construction activities;**
  - h. **Post construction restoration/reinstatement of the working areas and temporary access to the public highway.**

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

- 14 **Prior to first occupation a visibility splay shall be provided in full accordance with the details indicated on the approved plan BBH/005/PL/08/SITE PLAN. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety.

- 15 **Before first occupation or use of the development the access roads and parking areas as shown on the approved plans shall be provided and maintained thereafter.**

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

- 16 **Prior to the commencement of development, the further bat survey work identified in the Arbtech Worse Case Scenario Bat Mitigation Strategy shall be undertaken and the reports submitted to the Local Planning Authority for approval. The development hereby permitted shall be undertaken in accordance with the mitigation and recommendations identified within the Arbtech Ecology Assessment and the Worse Case Scenario Bat Mitigation Strategy.**

Reason: In the interests of the protection of protected species and biodiversity

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

SITE LOCATION PLAN  
K1315-T SITE SURVEY  
BBH/005/PL/01  
BBH/005/PL/02  
BBH/005/PL/03  
BBH/005/PL/04  
BBH/005/PL/05  
BBH/005/PL/06  
BBH/005/PL/07  
DESIGN AND ACCESS STATEMENT  
ECOLOGICAL ASSESSMENT  
MITIGATION AND ENHANCEMENT PLAN

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

Article 35 Statement

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

INFORMATIVES

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

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

telephoning 0300 1234047.

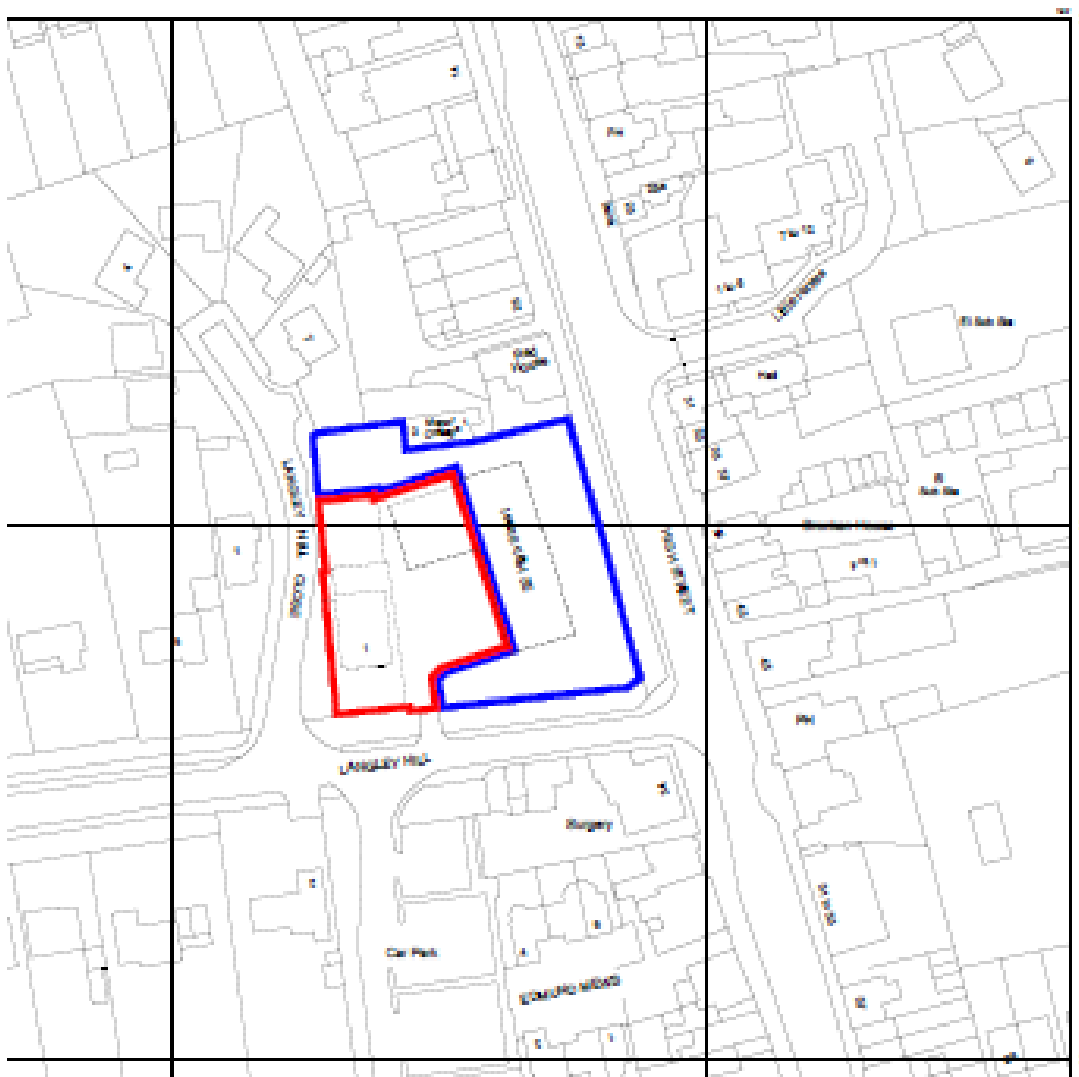
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall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



Item 5c

**4/00759/16/MFA – PROPOSED REAR EXTENSION TO PROVIDE AN  
ADDITIONAL 21 BEDROOMS AND A NEW GP DOCTOR'S SURGERY**

**32 HIGH STREET, KINGS LANGLEY, WD4 8AA**

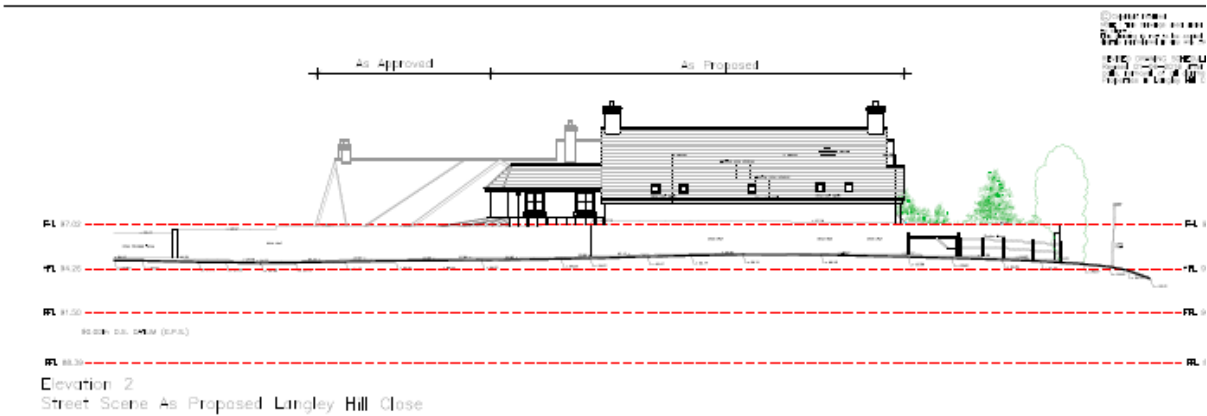


**Item 5c**

**4/00759/16/MFA – PROPOSED REAR EXTENSION TO PROVIDE AN  
ADDITIONAL 21 BEDROOMS AND A NEW GP DOCTOR'S SURGERY**

**32 HIGH STREET, KINGS LANGLEY, WD4 8AA**





**4/00759/16/MFA - PROPOSED REAR EXTENSION TO PROVIDE AN ADDITIONAL 21 BEDROOMS AND A NEW GP DOCTOR'S SURGERY.  
32 HIGH STREET, KINGS LANGLEY, WD4 8AA.  
APPLICANT: B&M Care.**

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[Case Officer - Nigel Gibbs]

## **Summary**

The application is recommended for approval.

The principle of new residential development is acceptable in accordance with Policy CS1 of Dacorum Core Strategy on this brownfield site. The loss of the existing dwellinghouse at no. 1 Langley Hill will be compensated by the resultant public benefit of the centrally located inclusive replacement community doctors surgery and the enlargement/ consolidation of the approved elderly persons care home providing new specialist housing.

Despite the development's scale it can be visually/ physically accommodated within the site's heritage setting/ context in a positive way. It takes advantage of the levels and is compatible with the street scene. The Revised Scheme raises no objections based upon residential amenity.

There are no highway safety/ access objections. The identified shortfall on site parking provision serving the surgery is not such an overriding material consideration to substantiate withholding the grant of planning permission. This takes into account that this is a quasi replacement surgery with significant public/ social infrastructure benefits, its very sustainable location, the availability of nearby public parking and that the fully inclusive surgery serving the same area will be provided with more parking than the existing and with full and safe access for persons with disabilities and limited mobility.

The outstanding drainage objection from the Lead Flood Authority has now been addressed.

## **Site Description**

No. 32 is the site of the former now demolished Post Office Delivery Depot/ Centre subject to planning permission for a 36 bed care home.

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

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

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

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

No.1 Langley Hill Close is at the entrance to the cul de sac, set back from the Langley Hill- Langley Hill Close junction. This dwelling features an elongated open front garden which is used as a main amenity space by the current owners with a smaller enclosed rear garden. No. 7 Langley Close is located to the north of the original curtilage of no. 32. No. 5 Langley Hill is to the immediate west of no 1. Langley Hill Close occupying an elevated and much more forward position. All these dwellings lie beyond the Conservation Area.

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

## **Proposal**

The proposed demolition of No.1 Langley Hill and the amalgamation of its land with that at no. 32 is to enable the construction of a very substantial brick and handmade clay tiled gable and hipped roof tiled inverted 2.5 storey(with basement) 'L' shaped rear extension to the approved care home building and the provision of a new GP doctors surgery. The care home would provide 21 \* new bedrooms in addition to the approved 36.

The development will be accommodated along the whole of the site's northern (adjoining Langley Hill Close) and western sides. It will feature a linking two storey component within the site's north west corner providing a communal glazed lounge room/ conservatory and associated garden, closest to no. 7 Langley Hill Close.

The development's central communal/ shared courtyard will be linked to the existing Langley Hill access. This will provide vehicular turning and access to the parking serving the surgery and the care home. There will be 4 parking spaces for the surgery with 15 for the care home.

The development's gable roof part will replace the existing dwelling at no. 1 Langley Hill, lying parallel to and close to the retained existing elongated boundary wall fronting Langley Hill Close. The building will also be set back from Langley Hill.

The care home extension in addition to its 21 bedrooms rooms will feature lounges/dining rooms, lifts, stairwells, the aforementioned conservatory, storeroom, training room, chapel and staff office. To maintain the security of the elderly residents the main entrance will be controlled by staff and all accesses will be fitted with alarms and CCTV cameras to maintain a high standard of security. Access to the side of the care home building and gardens will be gated, in the interests of resident safety and security.

The ground level GP doctors' surgery with access from a communal courtyard off Langley Hill will comprise of a reception/waiting room, patient wc's, an administration office, a store, a meeting room, nurses room and four doctor consulting rooms.

\*Note: The Original Scheme featured 26 bedrooms for the Care Home. The submitted Revised Scheme eliminated second floor bedroom windows facing towards the garden of no. 1 Langley Hill Close reducing the bedrooms to 24. Following recent discussions the number of bedrooms is now 21 and subject to a recommended condition. The Revised Scheme also proposes a slightly modified parking layout providing 3 additional car parking spaces to the Original Scheme also involving the bin store's slight relocation.

## **The Proposed Facilities**

The Supporting Statement confirms:

### Care Home

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

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

The Supporting Statement confirms that:

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

### The need for a new GP Doctors Surgery

The supporting document confirms:

1. The Principals of Haverfield Surgery based at 34 High Street, Kings Langley approached B&M Care in early 2015 to enquire whether they could accommodate a new GP surgery within the B & M development.
2. Haverfield Surgery is a local GP practice with nearly 3,500 patients. There has been a 'doctors surgery' on this site going back to 1747. In 1968 Dr Doris Brown gave the

grounds at the rear of Haverfield to Dacorum Council as free car park for the benefit of Kings Langley in perpetuity. There are approximately 55 spaces available in this car park located directly opposite the application site.

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

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

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

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

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

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

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

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

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

### **Background to the Application**

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

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

### **Relevant Planning History**

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

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

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

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

Tree Preservation Order at the Site.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Kings Langley Parish Council following two consultations.

### **Constraints**

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

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

### **Policies**

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



## Dacorum Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS14 - Economic Development  
CS16 - Shops and Commerce  
CS17 - New Housing  
CS23 - Social Infrastructure  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

## Saved Policies of the Dacorum Borough Local Plan

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

## Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Landscape Character Assessment (May 2004)  
Planning Obligations (April 2011)

## Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## **Representations**

### MP Mike Penning

The MP has written to Dacorum Borough Chief Executive requesting an update appraisal of the application. This letter was set against the existing planning permission for the care home and that there is real concern in Kings Langley, particularly over the massive increase in parking, and also that such increased size development would be a burden on the community.

Kings Langley Parish Council

### *1<sup>st</sup> Scheme*

Objects for the following reasons:

1. A number of windows would be overlooking existing residential homes, affecting the privacy of the residents.
2. It would result in an over-cramped development of the site.
3. There is insufficient parking. The Council is particularly concerned that the staff working in the new care home would take up a very high proportion of the parking spaces in the car park opposite the development which would seriously impact on its use by local people and visitors to shops and businesses, and, therefore, a detrimental effect on those shops and businesses.
4. It will have a detrimental impact on the character of the village.

### *Revised Scheme*

Maintains its objection for the following reasons:

1. There are still a number of windows that would be overlooking existing residential homes, affecting the privacy of the residents.
2. It would result in a large, over-cramped development of the site.
3. There is insufficient parking. The Council is particularly concerned that the staff working in the new care home would take up a very high proportion of the parking spaces in the car park opposite the development which would seriously impact on its use by local people and visitors to shops and businesses, and, therefore, a detrimental effect on those shops and businesses, and the village as a whole.
4. There are potential traffic / access issues.
5. It will have a detrimental impact on the character of the village.

### Strategic Planning

#### *Original Scheme*

The proposal involves the demolition of 1 Langley Hill and the creation of an extension to the permitted care home (application no. 4/01800/12/MFA located on the previous post office site). This existing permission (currently being implemented) provides a 36 bedroom residential care home which would be in addition to the current proposal for an extra 26 bedrooms. This could result in a 62 bed care home. It is noted that the applicant states that there is demand for care home spaces for the elderly in Dacorum Borough and Hertfordshire given the ageing population. As a result of the existing permission, this use type and general scale of scheme is in principle established. While geared to residential areas Policy 71: Community care of the Dacorum Borough Local

Plan 1991 – 2011 states that:

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

Point b) is a matter of consideration for the case officer.

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

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

*i) Impact upon conservation area*

1 Langley Hill is not within the conservation area, although the existing care home is located within the Kings Langley Conservation Area, so the extension to the care home will generally be located within the conservation area.

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

SPR would expect the proposal to ensure quality of design given its prominent position

and frontage on to the street. SPR would also expect that views on this have been sought from the Design and Conservation Team regarding whether the proposal would adversely affect the established character of the area.

*ii) Design*

Saved Policy 10: Optimising the use of urban land of the Dacorum Borough Local Plan 1991 – 2011 supports proposals for new development designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies. Saved Policy 21: Density of residential development of the Dacorum Borough Local Plan 1991 – 2011 states that careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of the land available. Core Strategy Policy CS1: Distribution of development states that “the market towns and large villages will accommodate new development for housing, employment and other uses, provided that it a) is of a scale commensurate with the size of the settlement and the range of local services and facilities; b) helps maintain the vitality and viability of the settlement and the surrounding countryside and c) causes no damage to the existing character of the settlement or its adjoining countryside.” The applicant states that the proposal will assist with meeting an identified need for residential care in the area, will provide for the re-provision of the doctors surgery proximate to the community, is of an in-keeping scale and is not damaging to the existing character of the settlement.

Saved Policy 111: Height of buildings of the Dacorum Borough Local Plan 1991 – 2011 (DBLP) states that “within the towns and large villages, buildings up to three storeys will be permitted provided they harmonise with the character surrounding area.” It is acknowledged within the DBLP that pressure for new buildings is likely to fall within Kings Langley, but to maintain the character of the settlement and its relationship with the countryside building heights should be limited. It is acknowledged that this proposal is of a similar scale and height to the permitted care home building.

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

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

*iii) Area of archaeological significance*

The proposal is located in an area of archaeological significance saved DBLP Policy

118 and Core Strategy Policy CS27) SPR would expect the County Archaeologist to provide detailed comments about any impacts resulting from this proposal.

*iv) Sustainable transport*

Parking should be provided in accordance with saved DBLP Appendix 5. SPR note its proximity to public parking. The views of the Local Highway Authority should be sought.

It is acknowledged that the proposal is partly located within the defined town centre/local centre boundary. The applicant states that it is not meeting the parking standards as it is 3 spaces lower than the Councils current adopted standards. The applicant states that there is a car park directly across Langley Hill from the site (with 55 spaces and no charges). What capacity does this have? The applicant states that the Haverfield Surgery has no dedicated parking spaces, so the provision of 3 spaces could be viewed as betterment on the current arrangements.

Core Strategy Policy CS8: Sustainable Transport states that “all new development will contribute to provide sufficient, safe and convenient parking based on car parking standards: the application of those standards will take account of the accessibility of the location, promoting economic development and regeneration, supporting shopping areas, safeguarding residential amenity and ensuring highway safety.” The applicant states that the site is located in a sustainable position in respect to public transport needs, nearby shops, employment and other services within a reasonable distance. The applicant also states that there will be suitable arrangements made for a covered and secure cycle parking facility (6 spaces provided), which is supported by saved DBP Policy 62: Cyclists of the Dacorum Borough Local Plan 1991 – 2011. Saved DBLP Policy 57: Provision and management of parking of the Dacorum Borough Local Plan 1991 – 2011 states that “the minimum level of car parking provision will be sought in developments by adopting maximum demand-based standards of provision. Provision will be reduced below this level in locations accessible by other travel modes or which can be made more accessible through planned improvements or as part of the development.” While the provision on site is under that required by policy, we are not overly concerned due to the proximity of the site to the existing public car park (subject to available capacity). Although more detailed views on transport matters should be obtained from the highways team.

*(vi) Loss of housing*

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

helpful for the applicant to confirm this position.

## Conclusion

In principle, we welcome the proposal as it can contribute towards meeting the health and community needs of Kings Langley. Therefore, SP do not have any fundamental objections to the proposed development as there is already a precedence created from the existing permission, subject to:

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

## Conservation & Design

*(Notes by the Case Officer agreed by the Conservation Team Members)*

*Initial Response/ Informal Advice : Verbal Overview by the Former Conservation Officer to the Case Officer*

1. Boundary Wall to Langley Hill Close. The wall is a heritage asset and should be retained. The Conservation Area is under review and it could be extended to include the wall.
2. Concern regarding the overall scale/ massing of the conjoined development encompassing a large single unbroken mass of building.
3. Junction of the approved and proposed new buildings. Lacks cohesion- poor linkage-missed opportunity to create a visual break.
4. Insufficient Information. Lack of cross section and no front elevations (ie old and new)/ roadway layout.

*Meeting between the Former Conservation Officer, new Lead Conservation Officer and Case Officer*

*( Note: This was following a site visit by the new Lead Conservation Officer at the request of the Former Conservation Officer)*

1. Notwithstanding the above Initial Response there were no fundamental Conservation Team objections to the scale of the development- overall the scheme is acceptable.
2. Boundary Wall to Langley Hill Close. This must be retained.
3. There should be full height wall along the Langley Hill frontage in front of no. 1 Langley Hill. This should replicate/ echo the existing frontage wall. Railings are acceptable.
4. Within this wall there should be the installation of a pedestrian gate/ access and a double gate is recommended creating an active frontage.

5. Conflict between the pedestrian and vehicular access from Langley Hill due to levels. Need for clarification of levels to ensure safe pedestrian access.

6. The introduction of a chimney to the gabled frontage elevation could benefit the design.

### Building Control

Comments awaited.

### Trees & Woodlands

There are no trees or significant landscape features on this site.

(Note : Parish Council consultation with T &W: PC concerned that the boundary fencing is causing damage to a silver birch tree by rubbing against it. T & W was not able to carry out a full inspection because the site is locked. The owners have been requested to provide access for a full inspection of all the TPO trees on this site).

### Scientific Officer

The application relates to the demolition of 1 Langley Hill and the construction of an extension to the residential care home (originally approved under planning permission 4/01800/12/MFA), with Doctor's Surgery and areas of hard and soft landscaping.

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

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

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

sufficient to allow discharge of sections (a) Site Characteristic and (b) Submission of Remediation Scheme of condition 14.

In respect of the current application, the SO would ask that the proposed remedial works be extended to incorporate this area also; to comprise removal of the Made Ground and incorporation of a 600mm cover system in soft landscaped areas. WS6 is situated close to the current application boundary, so the requirement for a careful watching brief for further visual or olfactory evidence of hydrocarbon impacted soils and subsurface structures is also valid.

To ensure the above remedial works are undertaken, it is recommended that the following contamination condition be attached should planning permission be granted:

All remediation or protection measures identified in the Remediation Statement approved under planning permission 4/01237/14/DRC, (which relates to the discharge of condition 14 of 4/01800/12/MFA), shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

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

#### Noise & Pollution

Comments awaited.

#### Food, Health & Safety

The Food and Health & Safety Team was not consulted on the Original Scheme .No objection to the proposed extension. The recommendations relate to the kitchen in the in the original planning application.

#### Refuse Controller

Comments awaited.

#### Hertfordshire Ecology

##### *Initial Advice*

1. HE have no ecological records from this site, although there is a bat record from a relatively urban area of Kings Langley, at Vicarage Lane. However the urban location



of the application site just off the High Street does not suggest bats are particularly likely to be regularly using this area although the local environment is relatively well treed.

2. The bat survey found no evidence of bats following an inspection of the loft space of the house to be demolished, but did identify a number of features which bats could potentially use – a missing tile, lifted tiles and a small number of gaps in mortice between bricks. On this basis the building has been assessed as having a moderate potential for bats. HE acknowledge these are features which could potentially be used by crevice dwelling bats, although in the circumstances HE would have considered the potential for bats to be no more than low.

3. However, as access could not be gained to these areas to check them further, and given that a moderate potential has been identified, following Bat Conservation Trust Guidance this will now require at least two roost presence / absence surveys to confirm whether or not bats are present, as outlined in the report. HE have not been to the site and HE is not a licensed to undertake bat surveys, so HE is not in a position to dispute this assessment or recommendation.

4. In any event, given that further surveys are required, the LPA is not in a position to determine the application as:

- Moderate Bat potential has been identified;
- The site has not been subject presence / absence activity surveys and so bat presence has not been fully assessed;
- If bats are present, there are no recommendations for suitable compensation.
- If a licence is needed, HE is not in a position to advise that a licence is likely to be obtained, consistent with the NE Standing Advice.

5. On this basis the LPA has insufficient information on which to determine the application.

6. Consequently, given that this now the survey season, the recommended activity surveys should be undertaken and recommendations provided accordingly.

7. Once this has been undertaken and the report updated as necessary, the LPA should then be in a position to determine the application in respect of protected species and its Biodiversity Duty.

#### *Additional Response*

In respect of HE's recent comments on the above, it has been noticed that Herts Ecology have already commented on this application (26/4/16).

In any event, it seems that DBC will have sufficient information to determine the application given that the bat report does include a Worst Case Scenario compensation recommendation, which HE missed for some reason.

However, given that this is now the survey season, and that further surveys are, by default, required, HE strongly advise that these surveys are undertaken sooner rather than later as this should clarify with sufficient / reasonable certainty whether or not bats

are using the building. This will enable advice to be provided accordingly.

If this can be undertaken prior to determination this would follow best practice and enable DBC to determine the application with the benefit of full information. If not, the LPA can still determine the proposals but should require the further surveys by Condition to ensure they will be undertaken.

#### *Revised Scheme*

1. HE cannot see any reason why the revised plans (uploaded on DBC website 6/16/2016) would have any ecological impact not previously raised.

2. HE would take this opportunity to remind the LPA that the bat survey season is now well advanced and further surveys will be required to further inform any works or to demonstrate there are no bats present at this site. If a licence will be required from Natural England, this would normally need to be based upon information from the previous field season and not any older, so this may also need to be considered as necessary. The building potential is considered moderate requiring three additional surveys. Whilst HE acknowledge there is possible access for bats, HE would consider the potential to be much less than this HE is in not in a position to advise otherwise. Consequently these surveys should be undertaken either prior to approval or as a Condition of approval and appropriate advice provided / action taken accordingly.

#### *Additional Bat Surveys*

Satisfied that further surveys are not necessary as there seems to be no roost present after two surveys.

#### Hertfordshire County Council: Historic Environment

The development footprint formed part of the gardens of a large town house shown on the 1835 parish tithe map, which was replaced in the mid 19<sup>th</sup> century by a villa (shown on the 1<sup>st</sup> edition Ordnance Survey map of 1873-1881, which was itself demolished in the mid 20<sup>th</sup> century. In addition, Historic Environment have now been sent the report on an archaeological evaluation which was carried out in July 2015, at the Kings Langley Delivery Office (prior to the construction of the care home). The results of archaeological investigations suggest the construction of the delivery office truncated original ground levels in the area.

In this instance, Historic Environment consider it is unlikely the proposal will have an impact on heritage assets of archaeological interest and therefore have no further comment to make on the application.

#### Hertfordshire County Council: Highways

#### *Recommendation*

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

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

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

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

4 All areas for parking, storage and delivery of materials associated with construction of the development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway. Reason: In the interest of highway safety.

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

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

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

The views of the Highway Authority have been sought by Dacorum Borough Council on application for permission for construction of a two-storey side extension and provision of fence to front boundary.

The views of the Highway Authority have been sought by Dacorum Borough Council on application for permission for construction of a rear extension to provide an additional 26 bedrooms and a new GP doctor's surgery.

From the highways and transport perspective, the application was supported by a

completed application form, a site location plan, a proposed site layout plan, an Operator's Statement and a Design & Access Statement.

### *Proposal*

The site of the former Post Office sorting office is currently a construction site for the erection of an approved 36-bed care home for the elderly. This development had DBC reference 4/01800/12/MFA. Permission is now being sought to extend the home on to the site immediately to the west of it at number 1 Langley Hill.

### *Site and surrounding road network*

The address given for the site on the application form is 32 High Street, Kings Langley but this is the address of the main care home. The current application is seeking permission to build on the site of the bungalow at 1 Langley Hill. Langley Hill is a Local Access Road in the HCC hierarchy of roads. Langley Hill Close is a short (70m) cul-de-sac running along the western boundary of the site. It is a private road not maintained by the highway authority.

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

### *Access to the site*

The responses to question 6 in the application form indicate that there would be no changes to vehicular or pedestrian access points nor to existing highway and rights of way. The access would be shared with the main building which was itself the access to the previous Post Office building. It was established in the analysis by the Highway Authority of the previous planning application that adequate visibility is available from the site access.

### *Parking*

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

(ii). The response to application form question 10 indicates that there are currently 2 car parking spaces on site and that this would be increased by 5 to 7 spaces. There would be 6 new cycle parking spaces.

(iii). Proposed site layout drawing (number 25) also shows 7 new open air spaces with 2 of them being marked for disabled use. Proposed ground floor plan drawing (number 17) shows an additional 4 spaces at ground floor level next to the GP surgery entrance. These are what are referred to in DAS paragraph 4.3 as 'undercroft parking spaces will be (sic) provided within the courtyard allowing for 4 additional vehicles spaces accessed from Langley Hill'.

(iv). Dacorum Borough Council as a local planning authority will determine the level of parking they require for the development proposal.

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

### *Assessment*

The applicant did not provide traffic flow data or any kind of assessment of the impact of the traffic associated with the development on the adjoining highway network. However it was recognised by the Highway Authority in assessing the previous application at the main site that the change of use from B8 use to C2 care home is likely to generate fewer trips in the peak. In addition numbers of trips from the elderly care unit during peak hours are likely to be relatively low. The applicant has indicated that staff will be working on shift patterns and that many will walk to work from the local area. This would not cause significant increases at peak times. Visitor traffic to and from the site is likely to be generated outside the general peak hours.

### *Conclusion*

HCC Highways has reviewed the information submitted and is satisfied that the proposed development would not create a significant negative impact on the free and safe flow of traffic on the adjacent public highway subject to the imposition of recommended conditions.

Note: There are no additional comments to the Revised Scheme.

### Hertfordshire County Council: Lead Flood Authority

- Initial Response

In the absence of a surface water drainage assessment, LFA object to this application and recommend refusal of planning permission until a satisfactory surface water drainage assessment has been submitted. This should as a minimum include the following;

- Statement of compliance with the NPPF and NPPG policies, LPA local plan policies and HCC SuDS Guidance and Policies.
- Anecdotal information on existing flood risk with reference to most up to date data and information
- The location/extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (River) and surface water flood maps.
- Where infiltration is proposed, evidence of ground conditions/ underlying geology and permeability including BRE Digest 365 compliant infiltration tests should be provided.
- A drainage strategy which includes a commitment to providing appropriate SuDS in line with the non-statutory national standards, industry best practice and HCC Guidance for SuDS.

- Detailed calculations of existing/proposed surface water storage volumes and flows with Initial post development calculations/ modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including an allowance for climate change.
- Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant water company that they have the capacity to take the proposed volumes and run-off rates.

### *Reason*

A drainage assessment is required under the NPPF for all Major Planning Applications as amended within the NPPG from the 6 April 2015.

A surface water drainage assessment is vital if the local planning authority is to make informed planning decisions. In the absence of a surface water drainage assessment, the flood risks resulting from the proposed development are unknown. The absence of a surface water drainage assessment is therefore sufficient reason in itself for a refusal of planning permission.

### *Overcoming the objection*

LFA note from the application form that it is proposed to discharge into soakaways and the site survey reference Drawing 26 indicates existing soakaways. LFA acknowledge that the proposed development is an extension to the previous application which has been approved and condition on drainage based on soakaways has been discharged. However without infiltration tests and surface water calculation, LFA cannot advise the feasibility of proposed drainage strategy.

LFA would expect as a minimum the geology to be confirmed with permeability tests to establish at the outset the feasibility of the proposed drainage strategy. Tests should be conducted to BRE Digest 365 Standards and record the levels of ground water. If infiltration is not feasible then an alternate scheme based on attenuation should be provided.

LFA require the overall run-off rate and the required storage volume to ensure that the proposed drainage strategy can attenuate for all rainfall events up to and including the 1 in 100 year plus climate change event. (Note ;climate change allowances have been updated and we now require all SuDS component to cater for all rainfall events up to and including the 1 in 100 plus 40% for climate change event. This applies to all planning applications validated on or after 19/02/2016).

### *Informative to the LPA*

The applicant can overcome the objection by undertaking a surface water drainage assessment which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall and gives priority to the use of sustainable drainage methods, the SuDS hierarchy and management train. If this cannot be achieved the LFA will consider whether there is a need to maintain our objection to the application. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

For further advice on what LFA expect to be contained within the surface water drainage assessment, this is referred to by the Developers Guide and Checklist on HCC 's surface water drainage webpage.

<http://www.hertsdirect.org/services/envplan/water/floods/surfacewaterdrainage/>

LFA ask to be re-consulted with the results of the surface water drainage assessment. The LFA will provide you with bespoke comments within 21 days of receiving formal reconsultation. LFA's objection will be maintained until an adequate surface water drainage assessment has been submitted.

- Response to Additional Information

Following a review of the surface water drainage assessment carried out by Hydrock reference R/C161599/002.02 dated August 2016, the Lead Local Flood Authority can now remove its objection on flood risk grounds.

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

Therefore the LFA recommend the following conditions to the LPA should planning permission be granted.

#### *Condition 1*

The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Hydrock reference R/C161599/002.02 dated August 2016, and the following mitigation measures detailed within the FRA:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Undertake the drainage to include permeable paving, attenuation tank and soakaway as indicated on drawing 'Proposed Layout Plan' drawing reference Dwg 35.
3. Implement appropriate drainage strategy based on infiltration.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reasons: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants

#### *Condition 2*

No development shall take place until a detailed surface water drainage scheme for the site based on the approved Drainage strategy and sustainable drainage principles and

an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

1. Detailed surface water run-off and volume calculations to ensure that the site has the capacity to accommodate all rainfall events up to 1:100 year plus climate change.
2. Any areas of informal flooding should the system flood above the 1 in 30 year event.

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

#### *Recommended Informative to the LPA*

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance it is recommended there is reference to the LFA'S surface water drainage webpage: <http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

#### 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.

#### Hertfordshire Constabulary: Crime Prevention

Dementia residents: This is mentioned at 8.7 in the Design and Access Statement . The building as well as the private amenity garden area for residents must be secure with suitable access control so that residents do not go missing and affect police resources.

Doctors Surgery: The surgery will need suitable security and a monitored alarm fitting. HC would expect to see this part of the building to be built to the Secured by Design physical security standards.

Cycle and Bin stores: These should be secure and cycle storage should also have a



cover over it to protect cycles from the weather and to encourage their use.

Otherwise on the basis of the submitted information HC have no comment.

### Historic England

With this application approval is sought to extend the permitted care home being built at 32, High Street to provide twenty six additional bedrooms and a surgery.

Kings Langley's High Street is an attractive street of historic character. Although the character of the street is varied, red brick houses of the 18th and 19th century make a particular contribution. The High Street is designated as a conservation area.

Approval has already been given for the construction of a substantial care home at number 32, in place of the former post office. The chief effect of the proposed development will follow from the scheme already approved, and no comment on this is necessary here. The enlarged scheme would involve the demolition of a twentieth century house outside the conservation area and additional building to the rear of the site.

The National Planning Policy Framework provides policies for the conservation of the historic environment. Any harm to the significance of designated heritage assets (such as conservation areas), if supported by clear and convincing justification, should be weighed against the public benefits which would be procured (NPPF, 132, 134).

Historic England consider that the effect of the proposed additional development on the character and significance of the conservation area would either be neutral or would be to cause a modest degree of harm. The demolition of the house would not affect the character of the conservation area. The additional development would be partly within the conservation area. Although the intensification of the development might be thought at odds with the area's character, the design and choice of materials for the scheme are intended to respond that character. Any harm would seem likely to be limited.

### Recommendation

HE recommend that in determining this application your Council weigh any harm to the character of the conservation area caused by the proposed development against the public benefits which the scheme would procure, in accordance with the Framework (NPPF, 132, 134).

### Thames Water

*Waste:* Sewerage infrastructure capacity.

No objection.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes the developer share with neighbours, or are situated outside of the property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should the

proposed building work fall within 3 metres of these pipes TW recommend the Developer sends a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

### *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.

### *Water supply*

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

### Affinity Water

Comments awaited.

### NHS Clinical Commissioning Group

Comments awaited.

### Response to Neighbour Notification / Site Notices: Original Scheme

Objections from 1, 2 4 , 5 and 7 Langley Hill Close, 10 York Close, 20 High Street , 30 Railway Cottages and The Oak Barn at Love Lane.

#### • *Detrimental impact upon Langley Hill Close Residential Amenities*

1 Langley Hill Close. Loss of light, major overlooking/loss of privacy and significant visual intrusion with reference the garden and bedrooms.

2 Langley Hill Close . Loss of light, overlooking, loss of privacy, visual intrusion.

4 Langley Hill Close. Overlooking various homes affecting privacy as a result of converting Residential property to commercial, visual intrusion on the plot due to massive over development.

5 Langley Hill Close . Overlooking, loss of outlook and light.

7 Langley Hill Close. This is with reference to Dacorum Core Strategy Policy CS12 Quality of Site Design. Overriding harm resulting from the major 'towering ' physical impact - direct and major overlooking of the garden , bedrooms and living room windows with resultant of loss of privacy and night time glare into bedroom windows.

Full vision into No 7's east facing bedrooms especially from the extended north wing Care Home and by occupants of the proposed conservatory unit. The ineffectiveness of no.7's boundary wall , needing to be higher to prevent visual intrusion. Unable to continue to experience the quiet enjoyment of the garden- associated breach of Human Rights Act in particular Protocol 1, Article 1 stating individuals have a right to peaceful enjoyment. When no 7' s doors are opened there will be noise problems resulting in summer noise from outdoor activities at the Care Home garden.

- *General*

National Planning Policy Framework - 2012, Paragraph 17 outlines the set of core land use planning principles for planning guidance .The proposed development is a direct contravention of the contents of the policies stated in the National Policy Framework.

- *Visual Impact / Effect upon Character of the Area/ Cramped Overdevelopment / Relationship with the Conservation Area*

A major impact resulting from visual intrusion on the plot due to the massive over development overwhelming the village, with a resulting loss of character; far too large for the site and would not be in keeping with the current community. Even without the proposed surgery wing the Kings Langley Care Home will operate in cramped conditions that is 50% lower than another B&M site of similar residential capacity at its Crowthorne site. The development doubles the size of the original granted application.

The proposed development does not respect the local context and street pattern. In particular does not fit the scale and proportions of surrounding buildings. The north wing extension from ground level 3.73 metres high and will tower over our property. This exceeds the height of the Manor Cottages and considerably exceeds the height of garden fences.

The proposed surgery wing roof line is 4.64 metres above the height of the demolished no. 1 Langley Hill. The surgery wing will involve extensive excavation to lower the current ground level.

The Conservation Area boundary line is to be built over by the proposed Care Home north wing.

- *Parking/ Highway Safety Implications*

Highway Safety problems due to the potential visibility hazard on the existing Langley Hill Close junction -driving into a narrow road which is often obscured by parking on the grass verges and is particularly hazardous.

Omission of Revised Traffic Planning statement.

Langley Hill car park is always full at peak times and increasingly so at other times. There is inconsiderate parking on Langley Hill and illegal parking in Langley Hill Close (a private road) is already a problem, particularly at school drop off and pick up times. The parking situation on Langley Hill, High Street & York Close is already proving a real issue for residents of Kings Langley. These roads are already always congested in the mornings and when the school day finishes.

Parking in the locality is over stretched at the moment would become even more

impossible in the High Street and Langley Hill. Parking on Langley Hill is already at saturation point during the day and this creates congestion. The car park in Langley Hill is almost always full by 9am and this situation does not change throughout the day. The number of places allocated for residents, workers, visitors and doctors' patients at the new development is totally inadequate and would result in inevitable overspill at all hours of the day and night. Parking on Langley Hill is already at saturation point during the day and this creates congestion. Langley Hill Close is a private road- there are already issues with people parking on this road and ignoring the no parking signs because the public are unable to park anywhere else. This situation will only get worse.

A combination of problems arising from school traffic, emergency vehicle access and pedestrian safety.

The proposal will overwhelm existing stressed parking facilities. There will be a detrimental impact on Langley Hill Car Park which is regularly full, resulting in increased over parking on Langley Hill directly opposite Langley Hill Close, which already causes Safety issues during peak times.

The stated aims of the Surgery include the ability to expand their patient list and to provide additional services which will be required with the possible growth and demands of the local community. This will necessarily give rise to the need for rather more parking facilities than either exist or are proposed and priority should be given to making sure that the existing village facilities and services are satisfied before embarking on new unplanned consequences.

Relying on the existence of a local car park not satisfactory. To suggest that all if not most of the staff will walk to the care home is unrealistic and there is simply no parking provision for those visiting the care home residents let alone staff. The result will be that roads such as Langley Hill, York Close and Archer Close will suffer from double parking which will in turn cause traffic, congestion and pose a serious risk to local residents and the many children who walk to school at the top of Langley Hill.

- *Questions regarding the Application of the Parking Standards*

It is unclear whether the Council would consider the development as Elderly persons / nursing home or residential care home, either way the parking requirements are similar - 1 space per 5 beds, or 0.25 spaces per bed as well as provision also needing to be made for staff parking

Care Home: Existing 36 + proposed 26 bedrooms =  $62 * 0.25 = 15.5$  spaces plus provision for staff. There was a discussion between the owner of no. Langley Hill Close and the Chief Executive of B&M Care Homes during the Case Officer site visit. The CE stated there would be a maximum of 20 staff on during any one shift. This number seems very conservative and is questioned what checks the Council will make to ensure this isn't a number just used to 'lowball' the staffing levels to justify the grant of planning permission and then disregard this number if it came to actually needing to staff the development. The CE stated about 70% of the staff would drive and therefore need parking and again this seems low but even based on that assumption there will need to be 14 car parking spaces (0.7x20) for staff.

The GP surgeries require 3 spaces per consulting room + 1 space per employee other than doctors. GP surgery: 3 consulting rooms = 9 spaces (+ an allowance for an

undefined level of staff). Therefore there is a parking requirement of 38.5 spaces not taking into account the allowance for an undefined level of staff who are not doctors.

- *Village Centre Viability/ Major Negative Business Implications*

The inadequate parking will have a negative impact on the local businesses and residents that either use or rely on the parking for such needs. Shop owners know that all business to retail parks when the local parking is full. Parking for the development will take away customer access to villages businesses and potentially having a fundamental effect upon the livelihoods of the owners and employees. It would also be detrimental to the High Street and its businesses if people cannot park easily.

- *Land- Ground Stability.*

There is risk of potential damage to Langley Hill Close's gardens and road. The Design and Access and Planning Statement does not define measures that might be needed to protect the roadway and communal amenity area of the managed Langley Hill Close from damage and subsidence resulting from excavation damage. No details of the excavation are given in the Design and Access and Planning document. The excavation at the No 1 Langley Hill plot has the potential to collapse the very old boundary wall .

Risk of damage during excavation of the old wall that is part of the No1 Langley Hill plot. Visual inspection of this boundary wall shows the construction and application of irregular sized hand manufactured bricks, an old method of top capping reminiscent of styles used in the gardens of old Manor Houses. Despite the requests by Langley Hill Close residents the previous owner showed no interest in maintaining this very old wall. Residents efforts to identify the construction methods are incomplete because of time constraints. The location of the wall is part of No 1's Langley Hill property about three metres west of the Conservation Area Line Boundary is not described in PPML's Design and Access and Planning Document.

- *Other Issues*

Criticism of the neighbour consultation process.

Fundamental criticism of the pre application process and how the Council has previously acted.

Questions regarding the plan accuracies (also Dacorum's Planning Application Documents omits the plan shown on page 13 of the Design and Access and Planning Statement.

Criticisms of the application's moral ethics.

Unrealistic and potentially damaging to the balance of the community.

Criticism of Design and Access and Planning Statement including reference to the current usage patterns of the immediate area which has historically featured gardens and reference to air-conditioning.

This was registered as full application and should have been a major application.

Response to Neighbour Notification / Site Notices: Revised Scheme.

Objections from 1 and 7 Langley Hill Close and The Oak Barn.

Adverse impact upon the Residential Amenity of no. 1. Reiteration of previous objections .

Effect upon no. 1. Overlooking/ Loss of Privacy. Although plans have been changed to replace the 5 large bedroom windows overlooking the property with velux windows there are still 2 large corridor directly overlooking our garden, living area & bedroom. There is no justification for these which could be bricked up (like many corridors) or have obscured/frosted glass with limited opening. Associated visual intrusion.

Over development cramped for area. Visual intrusion in Langley Hill Close.

Parking and Highway Issues. As before.

Fundamental criticisms of Hertfordshire County Council Highways in assessing the development. This is with reference to the following response/ comment:

*"The applicant did not provide Traffic Flow Analysis" but "assured" the Herts. Highways that there would be no effect on the village.  
Herts.Highways did NOT do any analysis. also citing the fact that there is a 55 space carpark across the road.*

This is a complete failure of Herts Highways to correctly assess the application and take suitable responsibility. This is with reference to accepting vague assurances of the Applicant who has a vested interest in seeing the application passed without fact checking and looking at all of the implications of finding parking for staff, doctors, outside workers and visitors. HCC Highways should have requested the estimated numbers for all of these and recognise that that 17 or 18 parking spaces will be insufficient and that the adjacent car park is always from 8:30 to 18:30 and therefore can offer no overflow for the care home. This would clearly demonstrate that any cars from the care home would be seeking parking in the village, thereby disrupting and significantly impacting the village. If this has been carried out HCC Highways should have recognised that the Traffic Flow Analysis is extremely important and necessary. HCC Highways must fulfil its obligations and responsibilities before any further consideration of the application. The village parking situation is already critical for both residents and traders. These concerns must be taken into serious consideration and it will be a grave injustice if this plan is allowed to pass without due consideration of facts and not the comments and advice of the applicant.

Commencement of the excavations of the extended basement affecting the main block without 'official approval'. It is assumed that permission to commence was given by a Council representative, The relevant department /employee ignored the adverse criticism from the general public.

Questions regarding the submitted drawings.

**Considerations**

The key issues are:

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

### Policy and Principle

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It is acknowledged that there is an ongoing very significant local concern regarding the negative impact that the development will have upon the vitality and viability of the Local Village Centre resulting from the loss of key parking in the adjoining car park due



to increased demand by users of the application site which is addressed below under Highway Issues. It is not considered that in this respect there is robust evidence available to the Council to substantiate that the development would have a negative effect upon the local centre's future. Such a new development can encourage linked trips by users of the surgery and employees of both developments.

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

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

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

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

The proposal represents a very substantial enlargement of the approved scheme by amalgamating the proposed enlarged care home with the new surgery. Despite the development's significant scale resulting from the combination / agglomeration of the approved and proposed developments, the scheme takes advantage of the site levels in a positive way and will be contained within the site's 'envelope' .

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

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

Condition 5. There are no adverse arboricultural implications.

It is fully acknowledged why there is local concern regarding the development's scale, however it is a substantial site which benefits from level changes, enabling the development to be successfully absorbed into its heritage setting. In terms of layout it has been necessary to seek amendments to the Original Scheme resulting in changes to the design/ layout reflected by the reduction of bedrooms to the now 21 from the original 26. This has been to overcome the harmful impact upon no. 1 Langley Hill Close and ensures that some rooms have an adequate quality resulting from the effect of the retained boundary wall to Langley Hill Close (see under Residential Amenity below).

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

This is with due regard to the expectations of Dacorum Core Strategy Policies CS10 and CS 32 and saved DBLP Appendix 3, reference to the physical impact, privacy/ overlooking, noise/ disturbance and the receipt of day and sunlight and the expectations of NPPF Paragraph 123. There have been respective very strong representations received from nearby nos. 1 and 7 Langley Hill Close.

*No. 1 Langley Hill Close.* The Original Scheme was unacceptable. The Revised Scheme has significantly changed the relationship with no. 1 Langley Hill Close by deleting the 5 flat roof bedroom dormer windows opposite and facing towards the front garden/ windows of this dwelling eliminating direct overlooking. The modification of the layout, the provision of high level windows and a recommended condition regarding the linking corridor overcomes the previous objections due to the loss of privacy. With due regard to a comparison between the existing and proposed profiles of the existing and proposed buildings and the issues of physical impact , the receipt of light, noise and disturbance there are now not reasons to refuse the application.

*No. 7 Langley Hill Close .* Based upon the amount of separation, levels, existing boundary treatment, the opportunity to provide additional acoustic fencing for the Care Home communal garden and glazing there would not be a case to refuse the application based upon the loss of privacy and noise/ disturbance. Noise generated by the impact of the use needs to be considered against the previous potentially 24/7 commercial use at no. 32 and that the buildings will contain the impact of vehicular movements.

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

#### *Internal Layout: Residential Amenity of the Ground Floor Residents Rooms facing the Retained Boundary Wall to Langley Hill Close*

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

In terms of layout officers have expressed major amenity concerns regarding the effect of the retained wall.

This is due to the wall's height and closeness to the residents only bedroom windows of the western First Floor Rooms 37, 39 and 41 within the Block including nos. 35 and 42. The retained wall will have a very significant adverse effect upon the amenity of these rooms due to its resultant very oppressive/ overbearing/ claustrophobic impact and the receipt of light because of the cramped form of this part of the layout. This part of the scheme fundamentally fails to comply with the layout expectations of saved Appendix 3 of the DBLP and one of the NPPF Core Principles under Para 17 which always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The layout has not needed to be changed. To the contrary the Agent has responded by agreeing to the imposition of a condition specifying that the permission does not extend to the use of Rooms 35, 39 and 41 as bedrooms. These rooms could be used for alternative purposes serving the Care Home. The rooms at each end ( 35 and 42) of this block of 5 rooms will benefit from second windows.

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

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

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

Access for Persons with Disabilities/ Inclusive Access/Persons with Limited Mobility. Both uses will be required to satisfy these fundamentally important expectations. Based upon the technical advice to date and the submitted layout/ design, the development will be compliant with the surgery on the ground floor. The surgery's 2 disabled spaces will enable drivers to bring patients / residents close to the building by vehicle. This is an important community benefit representing a significant improvement to the current surgery. The layout also provides for ambulances unlike no. 34.

Sustainable Location. The site's central village location is very sustainable. It is close to some residential parts of Kings Langley, accessible by foot or cycle, with a bus stop outside no. 32. There are very regular bus services along the key 501 along the Aylesbury- Watford A41 spine corridor with excellent links to the wider bus network in both directions, accessing the surgery's existing catchment area. On this basis

employees of both the surgery and care home are able to access the site by alternatives to cars with shift patterns coinciding with bus frequency. Similarly the surgery's able bodied patients and visitors to the care home can access this way. The Care Home is provided with cycle storage and a condition is recommended for cycle storage serving the surgery. HCC Highways recommended imposition of a Green Transport Plan is an important prerequisite.

It is also clarified by B & M Management:

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

Parking Provision.

*Care Home.* The provision of 15 parking spaces accords with the requirements with saved DBLP Appendix 5 which requires the provision of 0.25 spaces per resident bedspace with no resident staff. Two of the spaces will be usable for persons with disabilities. With the overall reduction of bedrooms to 57 from the original cumulative 62 the requirement is 14.25 spaces.

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

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

- there is no parking at no.34 with inadequate disabled access ,

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

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

It could be also taken into account that albeit outside the remit of the application but with respect to Haverfield Surgery's legacy and the Parish Council's objections, that the existing public car park could be redesigned to increase its capacity to provide an area of surgery only parking without affecting the existing capacity. This could ' neutralise' the ongoing local concerns enabling maximum attention to the community benefit.

### Drainage

The Lead Flood Authority's objection has now been addressed.

### Other Issues

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

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

- Ecological implications/ Biodiversity.
- Contamination.
- Archaeological Implications.

- Crime prevention/ security.
- Sustainable Construction.
- Light Pollution.

### Conditions and Informatives

If the DCC supports the application a range of conditions are necessary, as recommend below. The LPA is unaware of any fundamental land stability/ geological issues to preclude the carrying out of the development, recommending an informative with reference to the NPPF Paragraph 120. The height of the development has not necessitated specialist air navigation advice.

### Community Infrastructure Levy

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

### Future Uses of the Development

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

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

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

The Original Scheme was unacceptable and would have been recommended for refusal. In accordance with the government expected Article 35 protocol the LPA has been in dialogue with the applicant/ agent. Design/ layout changes have now been

achieved involving the resultant reduction of the number of Care Home bedrooms and the associated imposition of a range of conditions to address these.

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

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

In any decision there is need to carefully balance all the material considerations. As documented there are very strong Parish Council and local objections regarding the parking implications. The Care Home accords with the parking standards. It is fully acknowledged that the Surgery features a significant shortfall of parking. The fundamental question is whether there is an overriding requirement to meet the on site shortfall in such an excellent sustainable location and so close to the existing surgery which does not benefit from the parking now proposed for this wholly inclusive modern community facility. There is no robust evidence available to confirm that the development's parking demands will irrevocably harm the maintenance of the Local Centre's vitality and viability.

In pragmatically considering the proposals and in contrast to the local objections, it is concluded that the overall community / social infrastructure benefits resulting from the provision of a modern new surgery and care home should be given more weight than the disbenefits resulting from the rigid adherence to the implications arising from the shortfall off on site parking. This also takes into account that Hertfordshire County Council Highways raises no highway objections.

With the very recent resolution of the outstanding drainage issue there is now a case to recommend the grant of permission.

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

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## **ANNEX A: THE OPERATORS STATEMENT**

### **Operators Statement**

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

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

1. B&M Care are a local family owned business based in Hemel Hempstead of some forty years standing which develop and operate a Group of Residential Care Homes for the Elderly in the Home Counties.
2. The Company currently operate 22 Care Homes with approximately 1150 beds with a further 4 Homes currently under development. At present it has 14 Homes in Hertfordshire. B&M Care has over the years won numerous industry and civic awards for both the design of its homes and also for the care provided. The Company gained the Planning Permission on 11<sup>th</sup> January 2013 for a 36 bed Care Home for the site, replacing the old Post Office Sorting Office at 32 High Street, Kings Langley.
3. The Company was then approached in early 2015 by the Principals of the Haverfield Surgery, which is based at 34 High Street, Kings Langley, adjacent to the site, with an enquiry as to whether the Company would consider leasing some of the ground floor space to incorporate a GP Surgery to be located on the same site. (Copy email request in Appendix)
4. Haverfield is a local GP Practice serving the local community with a list size of approximately 3,500 patients. Following discussions between the GP Senior Partner Dr Corina Ciobanu and the Practice Manager Chris Stanley of Haverfield Surgery, with the Directors of B&M Care, including Dr Colleen Wood, Director and Clinical Advisor to B&M Care; consideration was given to looking at the design needs and possible cooperation, subject to space requirements.
5. Later in 2015 the opportunity arose which gave the possibility of meeting this request when the bungalow at 1 Langley Hill came onto the market for sale and the decision was made by the Directors of B&M Care to purchase this property which opened up the possibility of meeting with the request, whilst also increasing the size of the proposed Home to enable the capital investment to be made by B&M Care Group to the new Surgery premises fit for purpose, on a leasehold basis to the Surgery enabled by the additional care home beds that would be possible on the site making the proposals economically viable.
6. Following a series of discussions and the process of working up design the Company is now happy to submit its proposals to the Council requesting the support of the Councillors and Officers for an extension to the already granted Care Home to create a 'mews' style town centre complex with a Care Home of now 62 beds and a Doctors Surgery, all as detailed as in this Operators Statement and Planning Application.
7. B&M Care has been aware of the potential of some of its Elderly Care Homes to be to some extent "Community Hubs" and one of the key aspects of that, along with the current crisis in providing GP care into Care Homes, is to incorporate doctor's surgeries within the curtilage of future elderly care homes constructed by the Company where possible. This makes it potentially much more easy and economical to provide GP services into care homes as it can be disproportionality expensive due to the high needs of elderly residents.
8. This combined with the present Haverfield Surgery being in a listed premises which is unfit for purpose by modern standards, give an opportunity for new premises with fully disabled access and the opportunity for the Surgery to expand its activities, expand its list and reach its other aspirations and ambitions to provide overall improved services and joint community benefits to the local community. This coincided with the Surgery's existing lease coming to an end.
9. We enclose in the Appendix a copy of an excerpt from the NHS England GP Premises Team Inspection Report of August 2015 which states that "whilst acknowledging that the Practice is taking reasonable measures to improve access to patients, the premises are not Equality Act 2010 compliant in most aspects". Particularly it mentions the main entrance which



is via a steep sloped access which exceeds the recommended gradients, and the disabled access which has actually been created by a side entrance with a portable ramp, no automatic door and a narrow width door of 80cm.

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

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

12. There has been a history of a 'Doctors Surgery' going back to 1747 in this position on Kings Langley High Street, contained in the house known as 'Haverfield'. An excerpt from Kings Langley Archivists Group shows the on-going presence of a Surgeon or General Practitioner or Apothecary or similar, virtually consistently in Haverfield since the mid 1700's through to the present day. A copy of this is also contained in the Appendix.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 fully in accordance with all the conditions subject to this planning permission and those subject to Planning Permission 4/01800/12/MFA on the land edged blue on Drawing No.34.**

Reason: To ensure the development is carried out in a cohesive way to ensure that the combined development is compatible with the setting of the adjoining listed building and the character and appearance of Kings Langley Conservation Area to accord with the requirements of Policies CS10, CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 3 No part of the development hereby permitted shall take place until details and samples (where appropriate) of the materials ( including glazing) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority and the hard surfaced courtyard shall be constructed of permeable material in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: In the interests of the character and appearance of the Conservation Area and the setting of the adjoining listed building and in the interests of sustainable drainage to accord with the requirements of Policies CS10 ,CS12, CS27 and CS29 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

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

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

- 5 Notwithstanding the details shown by the submitted and approved drawings no development shall be commenced until details of the following shall have been submitted to the local planning authority:**

- (a).Modifications to the entrance to the site from Langley Hill,**
- (b).Modifications to the building's elevation to Langley Hill,**
- (c).Details of the obscured glazing and window openings of the corridor link adjoining Langley Hill Close, and**
- (d). The installation of an additional window to the northern flank wall of Bedroom 35.**

**The development shall be constructed fully in accordance with these approved details and thereafter the approved modifications under (a)**

**and (b) and the approved obscure glazing and window openings under (c) and (d) shall be retained at all times.**

Reason: In the interests of the character and appearance of the Conservation Area and the setting of the adjoining listed building and to safeguard the residential amenity of nos 1 and 7 Langley Hill Close at all times to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 of 120 of the Dacorum Borough Local Plan.

- 6 Notwithstanding the submitted details this planning permission is for 21 bedrooms within the Care Home extension hereby permitted excludes the use of First Floor Rooms 37, 39 and 41 as individual bedrooms in the Revised Scheme. Any alternative use of Rooms 37, 39 and 41 shall be agreed in writing by the local planning authority.**

Reason: First Floor Rooms 37, 39 and 41 are shown to be served by single windows facing the retained brick wall abutting Langley Hill Close. The amenity of these rooms will have very poor amenity due to the closeness and height of the boundary wall resulting in a cramped form of development. The environment for these rooms will be very poor due to the overbearing and oppressive impact of the wall, contrary to the expectations of saved Appendix 3 of the Dacorum Borough Local Plan.

- 7 The approved soft landscape works and those subject to Planning Permission 4/01800/12/MFA shall be carried during the first planting season following the first use of the development hereby permitted. For the purposes of this condition the planting season is between 1 October and 31 March.**

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

- 8 Any tree, hedge or shrub which forms part of the approved landscaping scheme and also subject to Planning Permission 4/01800/12/MFA which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree , section of equivalent hedge or shrub of a species, size and maturity to be approved by the local planning authority.**

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

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

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

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

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

- 10 **The details of boundary treatment in accordance with Condition 9 shall include a scheme for additional boundary treatment with specific reference to acoustic measures in relation to 7 Langley Hill Close. All the approved boundary treatment and any associated measures shall be installed prior to the first use of any part of the development including the approved amenity area and thereafter the approved boundary treatment shall be retained at all times.**

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

- 11 **The development hereby permitted shall not be occupied until the access arrangements and turning facilities shown by Drawing No. 25 Revision A have been provided fully in accordance with the approved details. Thereafter the access and turning area shall be retained at all times and only used for the approved purposes. The access road and turning area shall be constructed so that they are capable of bearing the weight of a 15.5 tonne vehicle and have a gradient of no less than 1 in**

**20.**

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

- 12 The development hereby permitted shall not be occupied until all the approved arrangements for vehicle parking (including those for persons with disabilities) shown by Drawing No. 25 and cycle storage shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved and two of the allocated spaces for the Care Home shall at all times be available for the surgery hereby permitted. An additional cycle storage facility shall at all times be installed within the area adjoining the parking area serving the surgery fully in accordance with details submitted to and approved in writing by the local planning authority.**

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

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

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

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

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

- 15 All remediation or protection measures identified in the Remediation Statement approved under decision 4/01237/14/DRC, (for the discharge of condition 14 of Planning Permission 4/01800/12/MFA), shall be fully**

**implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report which shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

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

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

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

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

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

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

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

- 19 Before the commencement of the development hereby permitted a**

**Sustainable Design and Construction Statement shall be submitted to the local planning authority. The development shall be constructed and maintained in accordance with approved scheme.**

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

**20 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,**
- **A Construction Traffic Management Plan and Access Route (s) ,and**
- **A scheme for on-site parking for construction workers. The scheme shall be implemented throughout the construction period.**

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

**21 The development hereby permitted shall be carried out in accordance with the approved surface water drainage assessment carried out by Hydrock reference R/C161599/002.02 dated August 2016, and the following mitigation measures detailed within the Flood Risk Assessment :**

- 1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
- 2. Provision of the drainage to include permeable paving, the attenuation tank and soakaway as indicated on drawing 'Proposed Layout Plan' drawing reference Dwg 35.**
- 3. Carrying out of the appropriate drainage strategy based on infiltration.**

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

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

**22 No development hereby permitted shall be commenced until a detailed surface water drainage scheme for the site based on the approved Drainage strategy and sustainable drainage principles and an**



**assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy shall demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm which shall not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be carried out in accordance with the approved details before the development is completed.**

**In accordance with the requirements of this condition the submitted details shall include:**

- **Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.**
- **Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.**
- **Detailed surface water run-off and volume calculations to ensure that the site has the capacity to accommodate all rainfall events up to 1:100 year plus climate change.**
- **Any areas of informal flooding should the system flood above the 1 in 30 year event.**

Reason: To prevent the increased risk of flooding, both on and off site in accordance with the aims of Policies CS12 and CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 23 **Subject to the requirements of other conditions of this planning permission and those relating to Planning Permission 4/01800/12/MFA the development hereby permitted shall be carried out in accordance with the following plans:**

**Ordnance Survey 1:1250 Location Plan**

**Drawing Nos. 16, 17, 18, 19 Rev A, 20 , 21, 22 , 23, 24 Rev A, 25 REV A, 26, 27, 28, 29, 30, 31, 32 , 33 and 34**

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

#### ARTICLE 35 STATEMENT

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

## **Informatives**

### Land Stability

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

### Highway Issues

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

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

### Advice from Thames Water

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

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

the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Advice from Hertfordshire County Council Lead Flood Authority

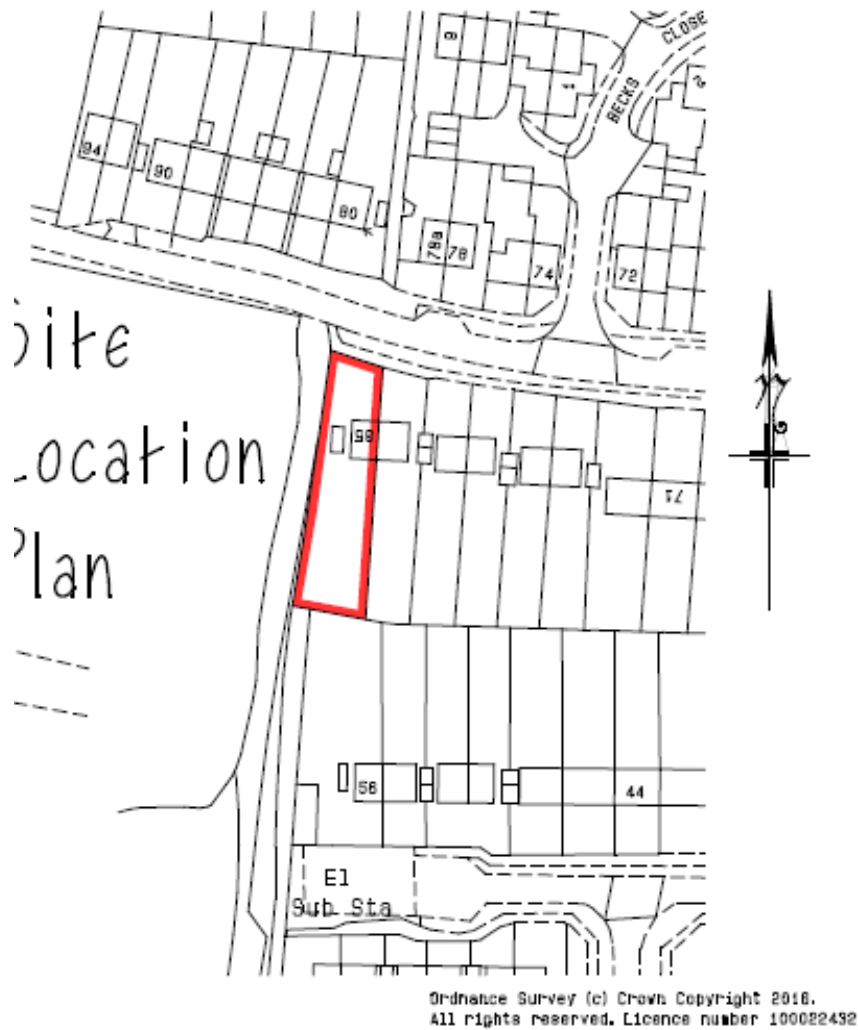
For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance it is recommended there is reference to the LFA'S surface water drainage webpage:<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

# Agenda Item 5d

## Item 5d

**4/01420/16/FUL – PROPOSED NEW ATTACHED 3-BEDROOM HOUSE AND CONSTRUCTION OF TWO STOREY REAR EXTENSION TO EXISTING DWELLING AND NEW FRONT PORCH**

**85 BUCKWOOD ROAD, MARKYATE, ST ALBANS, AL3 8JE**



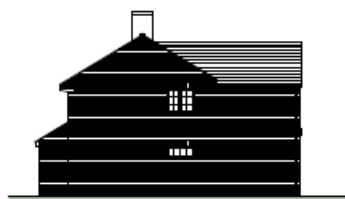
Item 5d

**4/01420/16/FUL – PROPOSED NEW ATTACHED 3-BEDROOM HOUSE AND CONSTRUCTION OF TWO STOREY REAR EXTENSION TO EXISTING DWELLING AND NEW FRONT PORCH**

**85 BUCKWOOD ROAD, MARKYATE, ST ALBANS, AL3 8JE**



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation

**4/01420/16/FUL - PROPOSED NEW ATTACHED 3-BEDROOM HOUSE AND CONSTRUCTION OF TWO STOREY REAR EXTENSION TO EXISTING DWELLING AND NEW FRONT PORCH.  
85 BUCKWOOD ROAD, MARKYATE, ST ALBANS, AL3 8JE.  
APPLICANT: MR & MRS RULE.**

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[Case Officer - Elspeth Palmer]

## **Summary**

The application is recommended for approval.

The site is within the urban area of Markyate where residential development is encouraged. The proposed development will not be harmful to the character of the area or the overall street scene. The proposal will not result in a significant loss of amenities to neighbouring properties. The proposal will provide a safe vehicular access to and from the highway.

## **Site Description**

The site is located on the southern side of Buckwood Road in a residential area of Markyate. The site comprises a two storey brick semi-detached dwelling with off street parking to the front of the dwelling.

The site abuts a public footpath and is on the edge of the town adjacent to the Chilterns Area of Outstanding Natural Beauty.

## **Proposal**

The proposal is for:

- construction of a part single storey and part two storey rear extension and front porch to the existing dwelling;
- a new attached 3 bedroom house with off street parking; and
- new wider vehicular access.

## **Referral to Committee**

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

## **Planning History**

None.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
NPPG

### Adopted Core Strategy

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS24 - Chilterns Area of Outstanding Natural Beauty  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS29 - Sustainable Design and Construction

#### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21.  
Appendices 1, 3, 5.

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Accessibility Zones for the Application of car Parking Standards (July 2002)

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

#### Markyate Parish Council

The Parish Council object as follows:-

- The site is infill.
- Its adjacent to a public footpath with possible ancient hedge.
- Children cross at this point.
- Concern to be noted some work has started already.

#### Strategic Planning

The proposal is to extend the existing two bedroom house to the rear of the property creating a third bedroom and enlarged living area together with a new attached 3 bedroom dwelling to the side. The site falls within the Residential Area of Markyate (Policy CS4) and adjoins open countryside on its western boundary that lies within the CAONB (saved Policy 97 and Policy CS24).

#### **(i) General policy considerations**

It should be noted that Policy CS4 (The Towns and Large Villages) states that “*in residential areas appropriate residential development is encouraged.*” Therefore, the general principle of residential development in this broad location is acceptable subject to achieving a satisfactory form of development, particularly its impact on the neighbouring property (Policy CS12c).

Saved Policy 18 (The size of new dwellings) of the DBLP particularly point (a) to (c) and bullet point 2 of point (ii) is of relevance.

Saved Policy 57 (Provision and management of parking) point (c) and Policy 58 (Private parking provision) of the DBLP in accordance with Appendix 5 are also relevant considerations. 4 spaces are to be provided which is a very slight shortfall compared against the standard of 4.5 spaces (i.e. 2 x 2.25 spaces). We believe that the Local Highway Authority should be given an opportunity to comment upon the scheme.

## **(ii) Impacts upon the Area of Outstanding Natural Beauty**

It should be noted that when performing any functions which may affect land in these areas, an authority must “have regard” to the purposes of the AONB which are designated to conserve and enhance the natural beauty of the area. It is important to note that this guidance goes on to say that *“the duties apply to any decisions or activities an authority may take affecting land in these areas; not just to those that relate to narrowly-defined environmental or ‘countryside’ issues.”* It would seem prudent that the scale of development, the design, proposed materials and prominence of the proposal is considered in relation to the impact upon the surrounding landscape.

It is for the case officer to give some consideration to whether the proposal might have an impact on the setting of, and implementation of, the statutory purposes of the AONB.

The potential for wider local impacts is also emphasised by Policy 21 (Density of Residential Development) of the DBLP which states that: *“for sites at the edge of an urban area, special attention will be paid to the effect of development density on open countryside and views. In such locations proposals will be expected to retain existing trees and hedges and incorporate appropriate landscaping in order to achieve a soft edge to the countryside.”*

Policy CS24: The Chilterns AONB, Policy CS12 (Quality of Site Design), and Policy 97: The Chilterns AONB of the DBLP are relevant in this regard. If deemed relevant, regard should be had to the Chilterns Buildings Design Guide and associated technical notes.

## **(iii) Conclusion**

In principle we do not have any objections to the proposed development, subject to the case officer giving consideration to impacts on neighbouring property and the setting of the Chilterns AONB.

### Hertfordshire Highways

The Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Decision: Hertfordshire County Council as Highway Authority has no objection to the proposed new attached 3-bedroom house and construction of two storey rear extension to existing dwelling and new front porch, subject to a s278 Agreement and the following conditions and advisory notes.



Section 278 Agreement: Any work within the highway boundary (widening and amendment to vehicle access) will need to be secured and approved via an s278 Agreement with HCC.

Condition 1: Vehicle Access: Prior to commencement of works, details of the proposed vehicular access arrangement shall be submitted in writing to the Local Planning Authority and subsequently approved in consultation with the Highway Authority. Reason: In the interests of highway safety.

Condition 2: Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided and thereafter retained. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

Advisory Note 1: Construction standards for amended vehicle access: The Highway Authority requires the construction of all works in the highway 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. 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.

Advisory Note 2: Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Buckwood Road: Is an unclassified local access road. It is subject to a 30mph speed limit, although it is within 55m of the start of a de-restricted speed limit. There has been 1 collision resulting in slight personal injury within the last 5 years. Public footpath / Right of Way number 17 runs alongside the side boundary of the development site.

Impact on the Highway: The application includes a proposal for the existing access to be widened on the eastern side to serve both the new and existing properties. Whilst the existing access serves the existing property, it serves its garage to the side of the house. The proposal is for the widening to serve the existing property and for the proposed new property to be served by the position of the existing access.

The sightline to the west, afforded by the existing access is below the standard found in Manual for Streets. It measures less than 2.4m x 20m. The required sightline for an approach speed of 30mph is 2.4m x 43m. Whilst the sightline from the new access is still less than the required 43m, it is nonetheless greater than the sightline from the existing access.

Although the sightlines are less than the distances indicated in MfS, the Highway

Authority would find it difficult to defend a decision to refuse based on lack of visibility as the existing access has been in place for many years without apparent harm, and seemingly approved in the past. However there is an intensification of use of the access. To mitigate this increase, a slightly non-standard vehicle access is required (subject to Condition 1). With use of full height kerbs (and / or bollards), the access will be off-set to the east and constrained on the western side such that it will require vehicles to exit both properties further from the boundary hedge, and hence to maximise the visibility of on-coming traffic from the west.

This access arrangement has yet to be designed and not currently approved. Whilst slightly non-standard, it will nonetheless be limited to 6 dropped kerbs as shown in Roads in Hertfordshire Figure 4.1.14.1

The proposed constraint to the western-side of the access will also help separate the access from the footway. There is a grass verge currently separating the two, which is gradually being worn away. Kerbing (or bollards) would provide constraint for vehicles and hence protection for pedestrians.

Conclusion: The highway authority has no objection to this application subject to satisfactory access arrangement being approved. (A site meeting is suggested).

#### Trees and Woodlands

The hazel hedge is very nice, not sure about ancient, but either way should escape the attentions of this proposed house if it goes ahead.

The hedge is on the other side of the path and so has 2 / 3 metres of mainly footway between it and the proposed dwelling, this is ample distance.

#### Rights of Way

No affect to the PRoW as detailed in the application. So no problems from my point of view.

#### Thames Water

##### Waste Comments:

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

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed

building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

#### Water Comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

#### 83 Buckwood Road - Objects

Whilst in principle I have no objection to development at 85 Buckwood Road, I do object to this application for the reasons set out below.

#### **Loss of Light and Overshadowing**

The proposed extension at the rear of the property comes virtually right up to the boundary. If built, the rear building line will be 3.6 metres beyond the existing one, which represents approximately 50% of the existing depth of the house. This is a significant increase in proportion to the current dimensions of the property. At the boundary the proposed extension will be single storey, 2.1 metres from my boundary it becomes two storey. The scale of this extension, if built, is such that it will have a major adverse impact on my house. Light into the garden and the rear windows will be reduced and visually an extension of this size will be very intrusive and dominate the space. Having a two storey brick wall and roof structure 2.1 metres from my boundary and a structure 3.6 metres in length along my boundary where neither currently exist will seriously reduce the amenity of my home.

The development would cast what is currently a very sunny area and well lit windows into shadow during the later part of the afternoon and evening. During winter months the shadow effect is likely to be greater.

#### **Traffic and access**

The proposal is for two houses and four parking spaces. There is a bend in Buckwood Road at this point and trees marking the edge of the adjoining fields. Cars leaving the two houses will have poor visibility in terms of the access onto Buckwood Road. There are already traffic problems in the road and more cars using a narrow, poorly sighted access will just exacerbate the current situation.

If the Council is minded to grant permission for a rear extension, I would request that it is single storey only and is less than 3.6 metres in depth so that it is of a scale more in keeping with the size of the original house and those in close proximity to it. I would not object to an extension at the side or front of the property.

### 80 Buckwood Road – Objects

- The proposed construction will cause upheaval and damage;
- This road is very busy at certain times of day as it is a cut through for traffic trying to get to the motorway;
- The road is also used at this point by parents of small children crossing the road to access the local school as the pathway from the estate is next to No. 85. It can be a nightmare dodging the traffic some days; and
- The family at 85 already have a number of vehicles of their own.

### 11 High Street - Objects

I have known this property for many years. The thick, ancient hedge to the side of the footpath further up the slope used to extend down to Buckwood Road. The occupants of 85 Buckwood Road have encroached on the public footpath and site of the hedge so that the proposed new property would be built on the land of the footpath and hedge and not on land owned by the applicant. I am seeking photographic/documentary proof from a former occupant.

Following my earlier opposition, Mr & Mrs William Church occupied the property as Council tenants until 1980. On their deaths, their son surrendered the tenancy to DBC. It was let and soon after sold to the occupants. Mr Barry Church concurs with my comments, and suggests that the Borough Council should have details of the plot that was sold by them around 1984 and that the land registry too should have plans of the plot which we believe will show that the applicant is taking land from the footpath and seeking to grossly overdevelop the site. They are showing no rear access to either property, unless they plan to put a gate from the public footpath to gain such access. Mr Church is trying to find a photo of the house prior to 1980.

## **Considerations**

### Policy and Principle

Policy CS4 (The Towns and Large Villages) states that *“in residential areas appropriate residential development is encouraged.”* Therefore, the general principle of residential development in this broad location is acceptable subject to achieving a satisfactory form of development, particularly its impact on the neighbouring property (Policy CS12c).

### Density of Residential Development

Saved Policy 21 (Density of Residential Development) of the DBLP states that *“careful consideration will be given to the density of all new housing proposals to ensure that*

*they make the most efficient use of the land available. Densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net."*

The number of dwellings on the site is 2 and the site area is .056 hectare. The number of dwellings per hectare is 35.71 dwellings per hectare.

*"Proposals which have a density of below 30 dwellings per hectare net should be avoided."*

The proposed density is therefore acceptable.

Saved Policy 21 also states *"for sites at the edge of an urban area, special attention will be paid to the effect of development density on open countryside and views. In such locations proposals will be expected to retain existing trees and hedges and incorporate appropriate landscaping in order to achieve a soft edge to the countryside."*

The site is at the edge of the urban area of Markyate. The proposed development will not impact on the footpath or hedge which forms the boundary between the urban area and the open fields to the west.

#### Impact on AONB

Saved Policy 97 Chilterns Area of Outstanding Natural Beauty states that the prime planning consideration will be the conservation of the beauty of the area.

The site is adjacent to the CAONB with a public footpath and hedge forming the boundary between the urban area of Markyate and the CAONB.

The dwelling will be in character with the surrounding houses in terms of design, scale and materials so will not have any more impact on the AONB than the existing dwellings.

#### Effects on appearance of building

The proposed development will be in character with the existing building in terms of design, scale and materials.

#### Impact on street scene

Policy CS12 states that development will integrate with the streetscape character.

The proposed development will be set in line with the existing houses along Buckwood Road which is characterised by semi-detached and terraced dwellings with parking to the front of the dwellings.

The proposal is of a similar scale, height, bulk and materials to the dwellings in the streetscene.

The proposed development will not project forward in a way that dominates in the street scene.

#### Impact on Trees and Landscaping and Public Right of Way

A two metre fence runs along the side boundary adjacent to the public footpath. The hedge which runs along the other side of the footpath will not be affected by the proposed development. There are no significant trees in proximity to the proposal.

The Trees and Woodlands Officer and Public Rights of Way Officer have no objections to the proposal.

#### Impact on Highway Safety

The Highways Authority had concerns regarding the proposed access for the site. A site meeting has taken place with the agent and the Highways Officer with a view to creating an access that complies with the concerns raised in the Highway's Officer's comments. Amended plans were prepared and approved by the Highways Authority. The plans show a widened vehicular access.

This plan will negate the need for condition No. 1 requested in the Highways comments.

Both dwellings will have 3 bedrooms and two parking spaces each. The maximum car parking standard in Appendix 5 of the DBLP for a 3 bed dwelling in this accessibility zone is 2.25 spaces. The provision is considered adequate in this case as its a sustainable location in a residential area of Markyate.

#### Layout and Design of Residential Areas

##### Amenity Space

The garden proposed for the new dwelling will be well in excess of the minimum 11.5 metres stated in the Appendix 3 of DBLP.

##### Spacing of Dwellings

There is sufficient space to the front and rear of the new dwelling. The rear garden is large and there are open fields to the west of the new dwelling. There will not be access around the side of either of the two dwellings but this is not unusual in the street scene.

##### Impact on Neighbours

No side windows are proposed in the side elevation facing the neighbour on the eastern side, 83 Buckwood Road. The western side faces the public footpath and open fields.

The two storey rear extension projects out to the rear by 3.6 metres but is stepped back from the side boundary by 2.4 metres. The single storey rear extension is at the same depth but set back from the boundary by .302 metres.

The proposed development will not breach the 45 degree line when assessed against the ground floor window of the attached neighbour.

##### Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February, 2015 and came into force on the 1st July 2015.

This site is in CIL area 3 where the charge is £100 per square metre.

The applicant has claimed for a self-build exemption from CIL.

#### Ownership Issue

The agent has provided evidence demonstrating ownership of the site to address the objection made by a local resident. Ownership is not a material planning consideration but the applicant was prepared to provide evidence in order to clear this objection.

#### Sustainable Design and Construction

The applicant has submitted a Sustainability Checklist which addresses the issues covered in CS 29.

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 **Prior to the first occupation of the development hereby permitted, the vehicular access shown on approved plan No. RULE/21607/PLANC shall be provided and thereafter retained. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

- 4 **Notwithstanding the provisions of the Town and Country Planning**

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

**Schedule 2 Part 1 Classes A, B, C, D, E, F**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to comply with CS11,12 and 24.

- 5 No development shall take place until details of the materials proposed to be used on the surfaces of the [roads/footpaths/driveways/courtyards etc], have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

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

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

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with CS 11,12 and 24.



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

RULE/21607/PLANF  
EIA Assessment Form  
CIL Document  
Design and Access Statement  
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.

**Highways Informatives:**

Section 278 Agreement:

Any work within the highway boundary (widening and amendment to vehicle access) will need to be secured and approved via an s278 Agreement with HCC.

Advisory Note 1: Construction standards for amended vehicle access: The Highway Authority requires the construction of all works in the highway 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. 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.

Advisory Note 2: Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

## Thames Water

### Waste Comments:

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

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

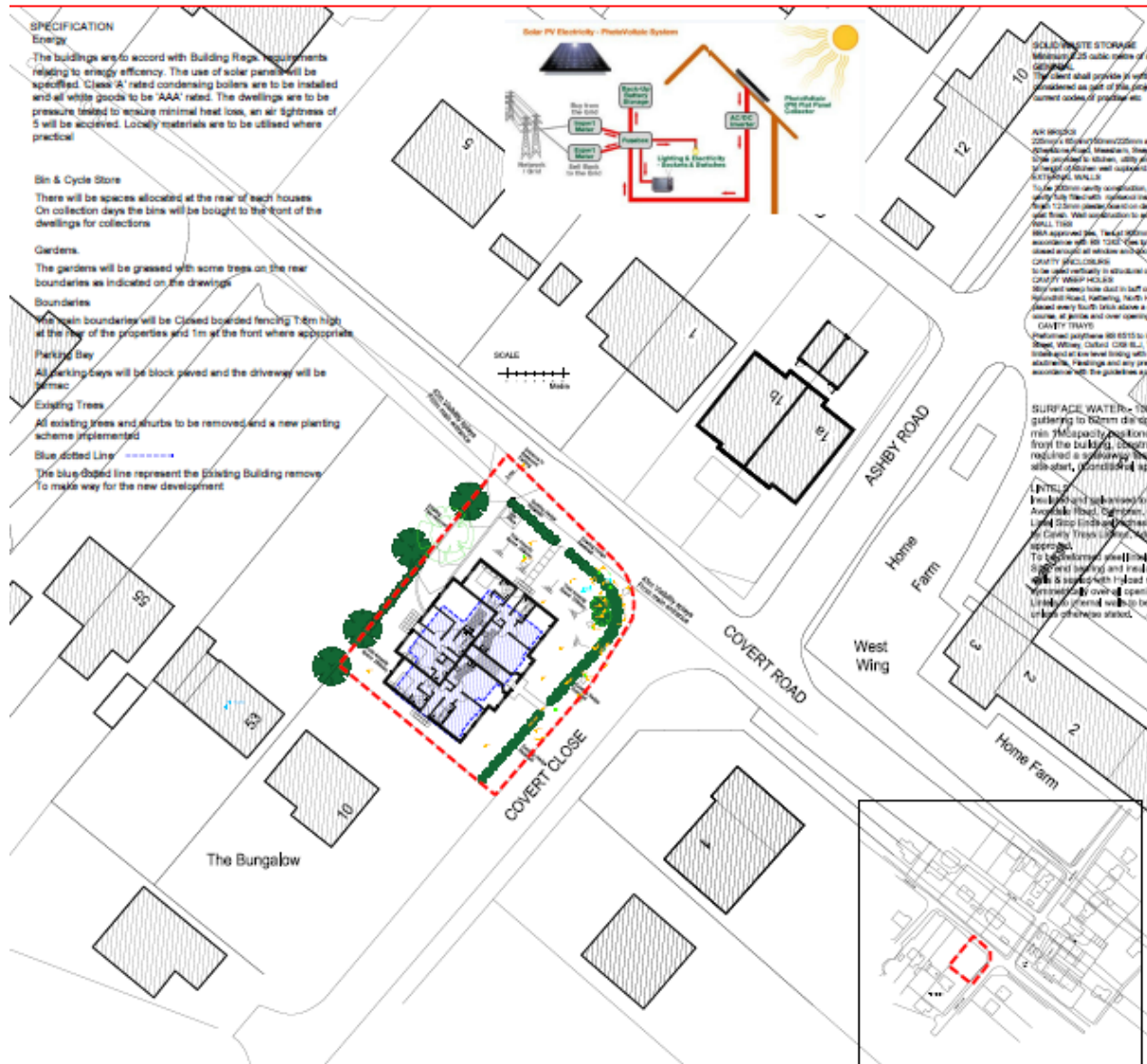
### Water Comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

## Item 5e

### 4/01629/16/OUT – OUTLINE APPLICATION FOR THE DEMOLITION OF THE EXISTING DWELLING (11 COVERT CLOSE) AND THE DEVELOPMENT OF A BLOCK CONTAINING 6 FLATS (4 X 2-BEDROOM, 2 X 3-BEDROOM) PLUS PARKING AND COMMUNAL AMENITY SPACE

#### THE CHILTERN, 11 COVERT CLOSE, NORTHCHURCH, BERKHAMSTED, HP4 3SR



Item 5e

4/01629/16/OUT – OUTLINE APPLICATION FOR THE DEMOLITION OF THE EXISTING DWELLING (11 COVERT CLOSE) AND THE DEVELOPMENT OF A BLOCK CONTAINING 6 FLATS (4 X 2-BEDROOM, 2 X 3-BEDROOM) PLUS PARKING AND COMMUNAL AMENITY SPACE

THE CHILTERN, 11 COVERT CLOSE, NORTHCHURCH, BERKHAMSTED, HP4 3SR



**4/01629/16/OUT - OUTLINE APPLICATION FOR THE DEMOLITION OF THE EXISTING DWELLING (11 COVERT CLOSE) AND THE DEVELOPMENT OF A BLOCK CONTAINING 6 FLATS (4 X 2-BEDROOM, 2 X 3-BEDROOM) PLUS PARKING AND COMMUNAL AMENITY SPACE..**

**THE CHILTERN, 11 COVERT CLOSE, NORTHCHURCH, BERKHAMSTED, HP4 3SR.**

**APPLICANT: Mrs SWIERK.**

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[Case Officer - Rachel Marber]

## **Summary**

**The outline planning consent is recommended for approval.**

The principle of residential development in this location is considered acceptable. The proposed outline consent for the demolition of the existing dwelling and construction of an apartment block containing 6 flats would relatively maintain the existing site circumstance and as a result would not severely detriment the visual amenity of the existing dwelling house, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with saved appendices 3, 5 and 7 and policies 10, 13, 18, 21, 58, 99, 100, 101 and 111 of the Dacorum Local Plan (1991), policies CS1, CS4, CS10 CS11, CS12 and CS35 of the Core Strategy (2013), and the NPPF (2012).

## **Site Description**

The application site is located on 11 Covert Close, Northchurch. The site comprises of a corner plot which currently features a detached dwelling with a side and rear garden. The boundary treatment for the site consists of a 1.8 metre high close boarded wooden fence and hedging which wraps around the boundary curtilage of the site.

The surrounding area (Covert Road and Close) is characterised predominantly by detached dwelling houses of various architectural styles situated on spacious plots. The area has a verdant aspect emphasised by the hedge lined street and generous garden plots serving the properties.

## **Proposal**

The application seeks outlined planning consent for the demolition of the existing detached dwelling and construction of one apartment block containing 6 flats. Whilst this scheme has been submitted in outline form the majority of required development details have been submitted at this outline stage.

## **Referral to Committee**

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

## **Planning History**

- 4/01012/16/FUL DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 3 X 4 BED HOUSES INTEGRAL GARAGE AND AMENITY SPACE (AMENDED SCHEME)  
Refused  
15/06/2016  
An appeal against this refusal has been lodged and is pending consideration
- 4/00379/16/FUL DEMOLITION OF EXISTING DWELLING AND ERECTION OF 4 x 3 BED HOUSES WITH INTEGRAL GARAGES AND AMENITY SPACES  
Refused  
12/04/2016  
An appeal against this refusal has been lodged and is pending consideration
- 4/01306/04/FHA SINGLE STOREY REAR EXTENSION  
Granted  
07/07/2004
- 4/00023/00/ROC VARIATION OF CONDITION 4 OF PLANNING PERMISSION 4/1059/86 (ONE DWELLING) TO ALLOW REMOVAL OF FIR TREE  
Granted  
11/02/2000
- 4/01310/98/FHA TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND PORCH  
Granted  
16/09/1998

## **Policies**

### National Policy Guidance (2012)

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

### Adopted Core Strategy (2013)

CS1- Distribution of Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan (1991)

Policy 10 - Optimising the Use of Urban Land  
Policy 13 - Planning Conditions and Planning Obligations  
Policy 18 - The Size of New Dwellings  
Policy 21 - Density of Residential Development  
Policy 58 - Private Parking Provision  
Policy 99 - Preservation of Trees, Hedgerows and Woodlands  
Policy 100 - Tree and Woodland Planting

Policy 101 - Tree and Woodland Management  
Policy 111 - Height of Buildings  
Appendix 3- Gardens and Amenity Space  
Appendix 5- Parking Provision

Supplementary Planning Guidance (2004)

BCA19 (Northchurch)

### **Constraints**

No specific policy designation, established residential area of Northchurch

### **Summary of Representations**

#### **Comments received from consultees:**

##### DBC Contaminated Land

*"The site is located within the vicinity of potentially contaminative former land uses (infilled ponds, Darrs Lane). Consequently there may be land contamination issues associated with this site, in particular ground gas migration. I recommend that the standard contamination condition be applied to this development should permission be granted.*

##### Thames Water

### **No Objection**

#### *"Waste Comments*

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

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

#### *Water Comments*

*With regard to water supply, this comes within the area covered by the Affinity Water Company.*

## Building Control

### **Support**

*"Regarding the proposed development, I confirm that I have no issues or further comments and proposal is satisfactory."*

## Northchurch Parish Council

### **Objection**

*"Northchurch Parish Council **OBJECTS** to this application on the basis that the style and size is out of keeping with the street scene, the gated fence makes it look like a town house. Is the hedge being retained or replaced by metal railing? There are no other flats within the vicinity. Insufficient parking, there is only parking for 8 cars which will mean 4 will be left on the main road. The exit point from car park is via the narrowest part of Covert Road. Not adequate space for amenities ie there will be around 18 wheelie bins."*

## HCC Highways

### **No Objection**

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

#### COMMENTS

Outline planning permission is sought for the demolition of the existing dwelling (11 Covert Close) and the development of a block containing 6 flats (4 X 2-bedroom, 2 X 3-bedroom) plus parking and communal amenity space.

Document CC/0011/16 provides a detailed plan of the proposal.

#### CONDITIONS

1. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

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

2. Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.



3. The existing access to the site shall be permanently stopped up to vehicular traffic and the highway reinstated to the satisfaction of the Local Planning Authority before the development is brought into use.

Reason: In the interest of road safety.

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

#### INFORMATIVES

1. Crossovers
2. Obstruction of public highway land:
3. Road Deposits:

#### PARKING

Parking for 8 vehicles is to be provided in a basement car park, which will be accessed via a new drive and VXO on Covert Road.

#### ACCESS

The existing access on Covert Close will be redundant and will need to be stopped up and the footpath and kerb reinstated to the height of surrounding footpath.

The section of Covert Road where the new VXO is proposed is unadopted road over which HCC as highways authority has no jurisdiction.

#### SITE LAYOUT

No internal roads are planned

#### CONCLUSION

On balance this proposal is unlikely to lead to a significant impact on the surrounding highway."

#### Strategic Planning

##### **No Objection**

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

*The Council's Supplementary Planning Guidance (SPG) on Development in Residential Areas is also relevant. The site is in character area BCA19 (Northchurch). The policy statement for BCA19 indicates that flats are not appropriate in this character area and will not be permitted and that the height of new housing development should not exceed two storeys.*

*We note that two applications for residential development on this site have been refused earlier this year:*

- 4/00379/16/FUL: 4 x 3 bed houses
- 4/01012/16/FUL: 3 x 4 bed houses

*These applications were refused on design/layout grounds, but there was no objection to the principle of residential redevelopment. We do not have any objections to the form of development now proposed, despite the guidance for BCA19 in the SPG. The key point is that development should be acceptable in terms of the more recent guidance in Core Strategy Policies CS11 and CS12.*

*Core Strategy Policy CS19 (affordable housing) indicates that affordable homes will be provided in Berkhamsted on sites of a minimum size of 0.16 ha. or 5 dwellings (and larger). However, the position on affordable housing has changed recently because of the Court of Appeal's judgment on the West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government case.*

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

*The reinstated 2015 version of the Clarification Note will state that:*

*The 2015 version of the Clarification Note states that:*

*"The main effect of the recent Government announcements is to introduce a new 'national waiver' approach that, in some instances, supersedes the waiver set out in the Council's Affordable Housing SPD. This new waiver applies to developments of 10 units and below with a combined gross internal floorspace of no more than 1,000 sqm which are located outside of the defined 'rural area' (see Figure 1). A lower waiver (5 units) applies in the defined 'rural area' (see below). No minimum gross internal floorspace applies here."*

*In view of the above, there is no requirement for any affordable housing on the site."*

**Comments received from local residents** (as summarised, for full representations please see Addendum)

### 7 Covert Close

1. The proposed buildings will be very close to the edge of Covert Close which is not in keeping with all the other properties on Covert Close.
2. Cars parked around the dwelling will pose a significant risk to visualisation of traffic when driving up & down Covert Close, in addition to turning out of Covert Close onto Covert Road.
3. Insufficient allocated parking provision, with 6 flats containing 2 or more cars, a minimum of 12 spaces are required, and where are the guests supposed to

park?

4. Cars parked on Covert Close poses risk to the young children who play in the close, and causes obstruction to driveways, service vehicles and emergency vehicles.
5. The proposed additional roof height of the new building is not in keeping with any other current dwellings in the area.
6. There are no other 'blocks of flats' anywhere in the local proximity to Covert Close.

(Received 25/06/16)

### 9 Covert Close

#### **Objection**

1. Flats are out of keeping with the area. There are no other flats in the close vicinity of Covert Close.
2. This building will be close to the road edge, higher than surrounding single' family' dwelling houses.
3. More Cars would be parked on Covert Road obstructing clear views along Covert Road, posing a risk to young children who play in the Close and walk to and from school.
4. Lack of car parking space for a possible 16 people living there. Where will visitors park?

(Received 27/06/16)

### 2 Covert Close

#### **Objection**

1. Flats on this site is out of keeping with the area
2. All properties in Covert Close are set back several metres from the road.
3. The additional roof height of the proposed development is not in keeping with the appearance of dwellings in the road and will be visually intrusive.
4. Insufficient parking allocation at the flats will result in yet more cars parked at the end of the close resulting in problems for residents and others when turning out of Covert Close onto Covert Road. This will cause obstruction to service vehicles and emergency vehicles as well as impacting on the dangers to children playing in the close.”

(Received 07/07/16)

### 6 Covert Close

#### **Objection**

1. The proposal is for a size of dwelling and density of occupation that is entirely

- out of keeping with the neighbourhood.
2. The proposal moves the building forward of the existing dwelling, both towards Covert Road and Covert Close.
  3. The height of the building is greater than the existing dwelling and the roof is longer.
  4. The appearance of the facade is quite out of keeping with other dwellings. It both appears to be and is a larger, more overbearing building than the present house. The side giving on to Covert Road is essentially an unsightly blank wall.
  5. Access to the proposed underground car-park is by a ramp at the rear of the building. This and the size of the building will reduce the garden area, again out of keeping with the neighbourhood.
  6. Insufficient parking provision.

(Received 08/07/16)

### 1B Dell Road

#### **Objection**

1. Parking is still an issue in an area which is already problematic, 8 spaces 'underground' parking spaces is not sufficient.
2. Site over developed
3. Application not in keeping with the area, no flats in the local area.
4. Condition of covert road already extremely poor with pot holes reoccurring frequently near the crossroads. Construction traffic would only intensify this problem where there is little space for construction vehicles.

The only improvement on this application from 1B perspective is that the distance of the dwelling from covert road has improved from previous.

(Received 10/07/16)

### 3 Dell Road

#### **Objection**

1. *The entrance to the underground car park would be on Covert road, at its narrowest point and would be dangerous with vehicles manoeuvring in and out.*
2. *Concerned about the impact of deep excavation to create the car park, on our properties.*
3. *Increased pollution / noise/ loss of privacy in quiet area.*
4. *The proposal is out of keeping for this area as there are no flats.*
5. *Roof height affecting light/ privacy is also a concern as 2 of the flats are to be 2nd floor.*
6. *Exasperate parked cars on road with regards to refuse collection.*

(Received 10/07/16)

## 10 Covert Close

### **Objection**

1. The size is far too bulky and will cut more light out than the existing building
2. The streetscape would be over imposing on the area
3. The height would increase by at least 1m or more.
4. The cars would create more problems (maybe up to 12 in number)
5. The site is smaller than 570sqm
6. The digging of the foundations for the underground garage could lead to undermining of no 10 and cause movement.
7. There are too many units cramming people into very small rooms

(Received 01/07/16)

## 1 Dell Road

### **Objection**

1. Large proposed residential density for such a small plot of land. The sheer size of the proposed development is inappropriate and is detrimental to the open character of Covert Road.
2. The proposed new building sits beyond the blue dotted line of the existing building, It would create an over imposing visual intrusion and it would create loss of light to 1 Dell Road.
3. Proposed car park entrance is very close to our property and it would introduce noise and disturbance
4. Insufficient car parking provision creating parking and visibility problems.

(Received 02/07/16)

## 6 Paynes Field Close

### **Objection**

1. Out of keeping with surrounding area - there are no other blocks of flats on Covert Road or the surrounding area.
2. The height of the proposed development is also out of keeping.
3. The increase in parked vehicles cannot be accommodated, and would pose significant risk of injury/accident to pedestrians and other road users. This will block access of emergency vehicles and impede other traffic.

(Received 07/07/16)

## 61 Covert Road

### **Objection**

1. The proposed buildings will be very close to the edge of Covert Close.
2. It is out of keeping with the area.
3. There is already a problem with traffic visualisation at the junction between Covert Close, Covert Road and Ashby Road. Cars parked around the proposed dwellings will only add to the problem; represents a real risk to safety on these roads, particularly to children, and would cause obstruction to driveways, service vehicles and emergency services.
4. Insufficient parking allocation on the plot for 6 dwellings.
5. The plot is not large enough for 6 dwellings and the necessary parking.”

(Received 07/07/16)

2a West Wing, Homefarm, Ashby Road

**Objection**

1. Effect of digging and building an underground car park on surrounding plots and houses.
2. Insufficient Parking provision, causing overspill onto road
3. The flats are not in line with the rest of the neighbourhood.
4. Living space is tiny.

(Received 12/07/16)

73 Covert Road

**Objection**

1. Planned vehicular access is located on an already very congested and narrow junction. This will endanger the safety of the public
2. The access is via a strip of land which is not part of the property to which they have no access rights
3. The building is not in keeping with other types of properties in the location. There are no blocks of flats in covert road.
4. Too many properties planned on a small site without adequate provision for parking.
5. Inadequate provision for waste collection.

(Received 14/07/16)

8 Covert Close

**Objection**

Objection

1. Noise, disturbance and vehicle emissions resulting from use.
2. Adequacy of Parking /turning
3. Visual intrusion- by introducing a block of flats at the beginning of this road, it

would fundamentally alter the balance and also the character of the neighbourhood.

(Received 14/07/16)

#### 5 Birch Road

##### Objection

1. Density: The proposed development appears more dense than properties in the surrounding area.
2. The building would also appear very bulky, making it looking out of character relative to the surrounding properties.
3. Additional cars parking around the property.
4. New development should be of a high standard of design that maintains the character of an area; this application does not meet this objective.
5. Assess to new development is off a private road which the proposed building is not entitled to.

#### 63 Covert Road

##### Objection

- 1.) It would not be in keeping with other properties in Covert Close and immediate surrounding area. The culture of "garden grabbing" is already prevalent in this area.
- 2.) The amended proposal is even worse than the original regarding the increase in traffic and the space available for parking.
- 3.) The applicant does not own the property.

(Received 14/07/16)

#### **Key Considerations:**

##### Principle of Development

The application site is located within a residential area, where in accordance with policy CS4 of the Core Strategy the principle of additional units is considered generally acceptable subject to planning considerations such as impact upon visual and residential amenity, amenity provision, trees and landscaping, and parking and access. These matters are assessed against the relevant policies in the following paragraphs of this report.

##### Impact on Visual Amenity

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

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

Core Strategy (2013), policies', CS1, CS4, CS10, CS11 and CS12 highlight the importance of good design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the saved Local Plan (1991) policies' of 10, 13, 18, 21, 111, appendices 3 and 7.

Supplementary Planning Guidance for Northchurch (BCA19) outlines that detached and semi-detached houses and bungalows are acceptable within the immediate area, however, flats and terraces are not appropriate and will not be permitted.

The spatial layout of Covert Close comprises of detached residential dwellings which all have a relatively linear relationship within the street. The immediately neighbouring properties are relatively regimented in regards to build line and height. Due to variation in typography levels the height of these properties are staggered, elevating towards the end of the Close. These properties are situated on spacious plots with generous front and rear gardens, and spacing between properties. Such spatial pattern makes an important contribution to the distinct spacious feel of the area.

Covert Road contains a similar mix of detached and semi-detached properties with the exception of Home Farm which is a L-shaped terraced property. All properties are stepped back from the road and enjoy generous gardens and spacing. The immediately adjacent properties to the west of the application site are detached with generous front build lines. The overall built form and layout gives the area a suburban, village feel and character.

The architectural style, height and size of property within the immediate street scene are varied. In terms of building size and form, there is no overall distance character.

The proposal seeks to erect one detached apartment block to contain 6 flats in the place of a large, detached dwellinghouse. The new apartment building would respect the line of the houses within Covert Close in terms of form and build line and would appear generally similar to the size and height of the existing building (which is to be demolished). In sum, the proposed development would appear as a large detached dwellinghouse with front and rear gable features.

A 9.7 metre separation distance between No.10 Covert Close and the proposed unit would be retained. Furthermore, a marginal 0.8 metre increase from the existing ridge height would result. The proposed unit has also extended the width of the existing property to mirror the side extension at No.1 Covert Close. In addition, to this the depth of the property would be increased by 4.1 metres towards Covert Road and 1.5 metres



by No.10 Covert Close.

In sum, the proposed apartment block would appear as a large detached property and maintain a similar plot positioning and size to the existing dwelling (No.11 Covert Close). Despite objection to the proposed form of development within the 2004 Supplementary Planning Guidance, emphasis should be placed on more recent guidance in Core Strategy policies CS11 and CS12. For this reason, the proposed apartment building would not significantly change existing site circumstance and henceforth would not severely detriment the visual amenity of the surrounding area, complying with saved policies 10, 13, 18, 21, 111 appendices 3 and 7 of the Dacorum Local Plan (1991) and policies CS1, CS4, CS10, CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2012).

#### Policy Emphasis for New Homes

Within the Core Planning Principles outlined in the NPPF (2013) there is heavy emphasis on the planning system's responsibility to deliver more homes. Paragraph 47 of the NPPF (2013) emphasises this further seeking to boost the supply of housing.

Paragraph 51 of the NPPF summarises this position stating, Local Planning Authorities should normally approve planning applications for change to residential use, provided that there are not strong economic reasons why such development would be inappropriate.

#### Impact on Residential Amenity

##### *Loss of Outlook and Privacy*

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

The proposed unit would breach the 45 degree line as drawn from the front habitable windows of No.10 Covert Close and No.53 Covert Road. Nonetheless, as the positioning, depth and height of the existing property has been relatively retained (1.5 metre larger depth and 0.3 metre ridge height increase) it is not considered that the proposed apartment block would add significant further detriment to existing site circumstance.

Furthermore, no side facing windows have been proposed in order prevent a loss of

privacy and overlooking to the front habitable windows and garden of No. 10 Covert Close.

With regard to the relationship with properties No. 1a, 1b Dell Road a 25 metre approximate separation distance, which is beyond the 23 metres rear-to-rear outlined within saved appendix 7 of the Local Plan (1991), would be upheld. In addition, a similar height and plot positioning to the existing dwelling would be maintained. Again, the side elevation would feature a blank façade, to preserve privacy.

An acceptable 259m<sup>2</sup> of private community amenity space has been proposed around the apartment block which falls in line with the requirements of saved appendix 3 of the Local Plan (1991) which states that for a multiple occupancy residential development an amenity area at least equal to the footprint of the building should be provided. Further to this the proposed development has access to local areas of open space, such as the sport recreational ground located to the North of the site.

As a result the proposed apartment block is considered acceptable in regards to impact upon the residential amenity and privacy of neighbouring residents; complying with the NPPF (2012), saved appendices 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

#### Impact on Trees and Landscaping

Saved policies 99, 100, 101 of the Dacorum Local Plan (1991) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

The existing vegetation within the site is sparse and does little by way of contributing to the visual amenity of the area, nor do any Tree Preservation Orders reside near the site. Nonetheless, the application site has the potential to provide soft and hard landscaping. The retention of the existing boundary hedge is considered acceptable, maintaining the open verdant character aspect of the area. A condition outlining further information and detailing in regards to landscaping and boundary treatment has been imposed.

The proposed refuse storage to be located behind the retain boundary hedge is considered to be acceptable.

In sum, the proposed would be in accordance with saved policies 99, 100, 101 of the Dacorum Local Plan (1991) and Policy CS12 of the Core Strategy (2013).

#### Impact on Parking and Access

Parking arrangements have a major impact on the quality and consequence of the development. The Council's Parking Standards within saved policy 58 and appendix 5

of the Local Plan (1991) requires 1.5 – 2.25 off street parking spaces for two and three bed units within Residential Zones 3-4.

The application proposes the construction of 4 x 2 bed and 2 x 3 bed apartments, which would require the maximum provision of 10.5 off street spaces. The proposed basement parking demonstrates sufficient provision for eight domestic cars. This would result in a shortfall of 2.5 off street parking spaces. Nonetheless, there is sufficient provision on Covert Road for on-street car parking and DBC parking policy outlines maximum parking provision only.

Furthermore Hertfordshire County Council was consulted on the proposal and raised no objection subject to the imposition of the conditions.

The basement car parking is considered to be acceptable and would not introduce further hard surfacing and parked cars to the landscape character of the street scene, maintaining a verdant street scape.

Due to Highways raising no objection and available on street parking, the proposed development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal would be considered compliant with policy CS12 of the Core Strategy (2013), saved policy 58 and appendix 5 of the Local Plan (1991).

#### Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The site is located within Charging Zone 1 (Berkhamsted and Surrounding Area) where a charge of £250 per square metre is applicable. An estimated CIL of some £110,856.60 has been calculated on the basis of the submitted plans.

#### Consultation Response

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

*Not in keeping with other properties on Covert Road-* There is not distinct architectural form or size to the properties on Covert Road and Close. Furthermore, directly opposite the site, Home Farm, features an L-shaped property forming mews court style cottages.

*Too close to edge of Covert Close-* The build line of the apartment block would be located closer towards Covert Road than the existing dwelling. Nonetheless, the proposed unit would retain the same distance from the street as the constructed side

extension of No. 1 Covert Close (4/00268/09/FHA).

*Insufficient parking spaces-* The assessment of available off street parking provision has been outlined and assessed in the Impact on Parking and Access section above. Several concerns have been received in regards to access for emergency vehicles. It is not considered that the shortfall of 2.5 spaces would add significant further detriment to the on-street parking situation. Furthermore, parking provision has been proposed within the properties' basement, removing a majority of spaces from the street scape.

*Roof height –* A resultant 0.8 (approximate) increase in roof height from the existing dwelling would result. The marginal increase of the proposed apartment block in relation to the existing property is not considered reason enough to recommend refusal of the application, especially when weighing the addition of six new units.

*Digging of basement and construction work –* Structural damage will be assessed independently at the Building Control stage.

*Boundary gate/ hedge retention-* Following concerns raised the Parish Council the scheme was amended to remove the proposed boundary gate/fence and portray the retention of the existing boundary hedge. This amendment would help preserve the verdant character aspect of the area.

*Size of flats-* Concerns have been raised in regards to the size of internal amenity provision of the proposed 6 flats. It is important to note that DBC policy guidance does not outline any minimum standard of internal amenity provision. Nonetheless, the proposed flat sizes complies with The Department for Communities and Local Government's Technical Housing Standards requirements for bedroom size.

**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 either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

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

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

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

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

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

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

**4 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (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 Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.**

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

- 5 The development hereby permitted shall not commence until a Construction Management Plan detailing the following, and how this will be managed for the duration of the construction period has been submitted to and approved in writing by the local planning authority.**

- where materials and equipment to be used during the construction will be stored within the curtilage of the site;**
- the practical means which will be taken 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; and**
- that the existing access to the site shall be permanently stopped up to vehicular traffic and the highway reinstated prior to occupation;**

Reason: In the interests of pedestrian and highway safety in accordance with policies CS8 and CS12 of the Dacorum Core Strategy (2013) and saved Policy 51 of the Dacorum Borough Local Plan (1991-2011).

#### Highway Informatives

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

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

2. Obstruction of public highway land: It is an offence under section 137 of

the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

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

**CC/0011/16 Rev A**  
**CC/012/16**

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

Article 35 Statement

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

Thames Water Informatives

Waste Comments

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



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

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

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

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 333

# Agenda Item 5f

Item 5f

**4/01482/16/FHA – SINGLE STOREY REAR EXTENSION WITH BI-FOLD DOOR**

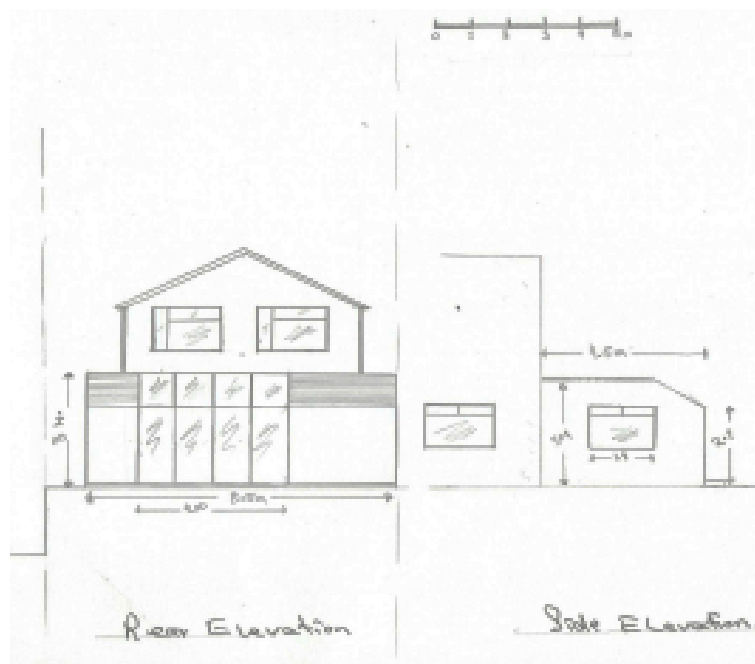
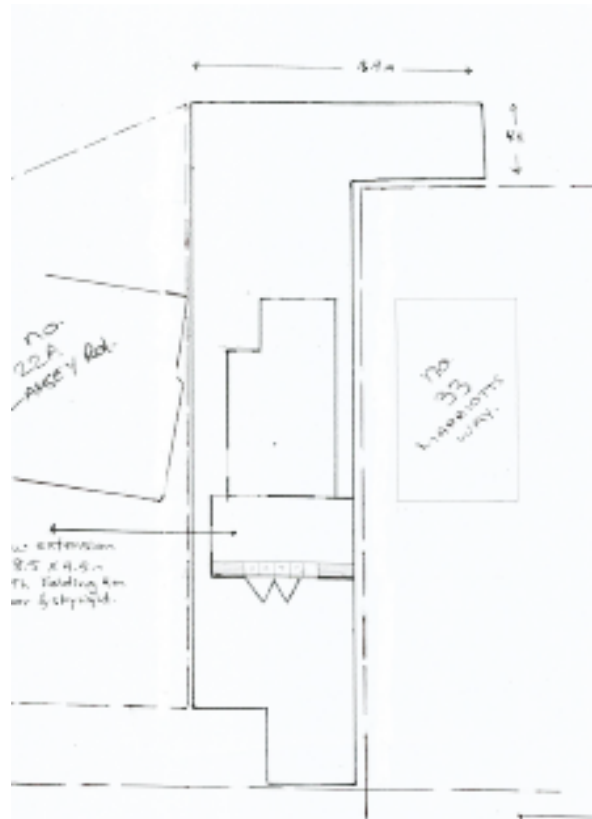
**35 MARRIOTTS WAY, HEMEL HEMPSTEAD, HP3 9EN**



Item 5f

4/01482/16/FHA – SINGLE STOREY REAR EXTENSION WITH BI-FOLD DOOR

35 MARRIOTTS WAY, HEMEL HEMPSTEAD, HP3 9EN



**4/01482/16/FHA - SINGLE STOREY REAR EXTENSION WITH BI-FOLD DOOR.  
35 MARRIOTTS WAY, HEMEL HEMPSTEAD, HP3 9EN.  
APPLICANT: MR BOUTANY.**

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[Case Officer - Rachel Marber]

## **Summary**

The application is recommended for approval.

The proposed single storey rear extension through size, position and design would not adversely impact on the visual amenity of the existing dwelling house, immediate street scene, or the residential amenity of neighbouring residents. The proposal is therefore in accordance with saved appendices 3 and 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013), Crabtree Area Character Appraisal and the NPPF (2012).

## **Site Description**

The application site is located to the north of Marriotts Way in Hemel Hempstead. The site comprises a detached dwellinghouse located within the Crabtree Character Appraisal Area (TCA6).

Marriotts Way is a cul-de-sac characterised by similarly designed detached dwelling houses of relatively identical architectural style and build line. The overall character of the area is evident.

## **Proposal**

This application seeks permission for the demolition of the existing conservatory and construction of a single storey rear extension.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the applicant being a member of staff at Dacorum Borough Council

## **Relevant Planning History**

4/1256/77      1 No. DWELLING  
Refused  
19/12/1977

4/1888/88      DETACHED GARAGE IN FRONT GARDEN  
Granted  
28/11/1988

## **Constraints**

No specific policy designations, established residential area of Hemel Hempstead

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Dacorum 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 (1991-2011)

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

### Supplementary Planning Guidance (2004)

Area Based Policies- Development Residential Areas Hemel Hempstead

## **Summary of Representations**

Eight neighbours directly notified; no representations received

## **Considerations**

### Principle of Development

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

### Effect on Appearance of Building and Street Scene

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and

adjacent properties in terms of scale, massing, materials, layout, bulk and height.

Furthermore, the Crabtree Area Character Appraisal encourages extensions to be subordinate in terms of scale to the parent building.

In accordance with the submitted application the extension would be of simple, traditional design comprising of red brickwork walls and aluminium bi-folding doors. These materials are considered acceptable and in-keeping with the existing dwelling house, complying with policy CS12 of the Core Strategy (2013).

No aspect of the proposed rear extension would be visible from the street scene. As a result there would be no adverse impact on the street scape, preserving both the character and appearance of the existing dwelling house and wider street scene.

Overall, it is considered that the rear extension would not detriment the appearance of the parent dwelling house and street scene; accordingly the proposed coheres with the NPPF (2012), saved appendix 7 of the Dacorum Local Plan (1991) and policies CS4, CS11 and CS12 of the Core Strategy (2013) and Crabtree SPG Area Character Appraisal (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 (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy.

The proposed single storey rear extension is not considered to result in a significant loss of daylight to neighbouring ground floor doors/windows due to a marginal proposed depth of 4 metres and height of 3 metres. It is important to note that if the rear extension did not have a width of 8.5 metres the structure would comply with Permitted Development, Class A Guidance criteria.

Thus, the proposed in regards to residential amenity is acceptable in terms of the NPPF (2012), saved appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

#### Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st

July 2015. This application is not CIL Liabale due to resulting in less than 100m<sup>2</sup> of additional floor space.

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

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

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

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

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

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

**Proposed Plan  
Rear Elevation and Side Elevation**

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

# Agenda Item 5g

## Item 5g

**4/01618/16/FHA – LOFT CONVERSION FRONT FACING VELUX ROOF LIGHTS  
AND REAR FACING DORMER**

**73 ELLESMERE ROAD, BERKHAMSTED, HP4 2ET**

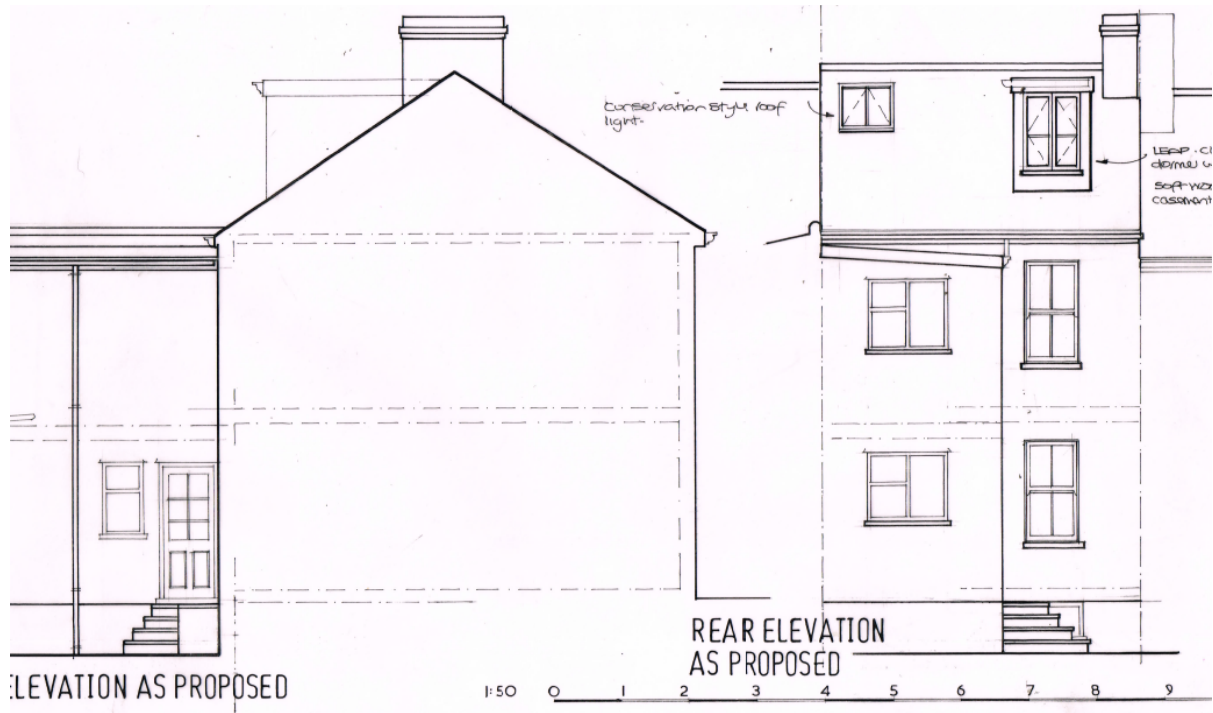




Item 5g

4/01618/16/FHA – LOFT CONVERSION FRONT FACING VELUX ROOF LIGHTS  
AND REAR FACING DORMER

73 ELLESMERE ROAD, BERKHAMSTED, HP4 2ET



**4/01618/16/FHA - LOFT CONVERSION FRONT FACING VELUX ROOF LIGHTS AND REAR FACING DORMER.  
73 ELLESMERE ROAD, BERKHAMSTED, HP4 2ET.  
APPLICANT: Mr Evans.**

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[Case Officer - Tass Amlak]

## **Summary**

The application is recommended for approval. The proposal is for an extension to the roof including the insertion of Velux windows and a rear dormer window. Overall it is considered that the proposed development will be in keeping with the character and appearance of the application property, the street scene and the wider Berkhamsted Conservation Area.

## **Site Description**

The application relates to a two storey mid-terraced property located on the southern side of Ellesmere Road which is residential in character. The application property is also located within the Berkhamsted Conservation area.

## **Proposal**

The application seeks permission for a loft conversion including front facing Velux roof lights and rear facing dormer.

## **Referral to Committee**

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

### Relevant history

None relevant.

## **Constraints**

CIL 1

Conservation Area

### Relevant policies

#### National Policy Guidance

National Planning Policy Framework (NPPF)

#### Dacorum Core Strategy (2013)

CS4 – The Towns and Large Villages

CS8 - Sustainable Transport

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS13- Quality of Public Realm

CS27-Quality of the Historic Environment

CS28 - Carbon Emission Reduction

CS29 - Sustainable Design & Construction  
CS31 - Water Management  
C32 - Air, Water and Soil Quality

### Saved Policies of the Dacorum Borough Local Plan (1991-2011)

Appendix 3 - Layout and Design of Residential Areas  
Appendix 5 - Parking

## **Summary of Representations**

### Conservation

73 Ellesmere Road is a late 19<sup>th</sup> century terraced property fronting Ellesmere road. The property is of dark grey / purple brick with red brick dressings and has a single storey bay to the front. The roof is clad in slate. To the rear the property is rendered and has a two-storey flat roofed rear extension. The rear elevation of these Ellesmere Road properties, particularly the upper floors and roofs, are visible from Ivy House Lane (over the garages), so the dormer will be visible from public viewpoints.

There are currently no rear dormers within the rear of this terrace so dormers are not typical elements within rear roof slopes locally; however there are many examples of rear dormers within the Conservation Area. The proposed dormer is well designed and proportioned and lines up with the windows below. The dormer will be clad in lead which is an appropriate finish and will contain a timber casement window. The roof lights will be of a conservation type.

The proposal will preserve the special character and appearance of the Berkhamsted Conservation Area and accords with the NPPF, Policy CS27 or Local Plan policy 120; the application is recommended for approval.

### Berkhamsted Town Council

Object - The proposed dormer window is too long. It would be intrusive and detrimental to the roof scape of the immediate area. There are currently no dormers in the terrace 69 – 84 Ellesmere Road. Contrary to Policy 120 and Appendix 7.

### Policy and Principle

The site lies within the urban area of Berkhamsted wherein, under Policy CS4 of the Core Strategy residential development is acceptable in principle.

Policy CS27 of the Core Strategy (Quality of the Historic Environment) states that the integrity, setting and distinctiveness of designated heritage assets will be protected, conserved and if appropriate enhanced.

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

DBLP 120 - Development in Conservation Areas; new development or alterations or extensions to existing buildings in the conservation area will be permitted provided

they are carried out in a manner which preserves or enhances the established character or appearance of the area. Each scheme will be expected to respect established building lines, layouts and patterns, In particular infilling proposals will be carefully controlled; use materials and adopt design details which are traditional to the area and complement its character; be of a scale and proportion which is sympathetic to the scale, height and overall character of the building to be extended; and in the case of alterations and extensions be complementary and sympathetic to the established character of the building to be altered or extended.

The main issues in this case concern the effect of the proposal on the character and appearance of the application site, the street scene and the wider Berkhamsted Conservation Area.

#### Effect on appearance of building

The property is a two storey mid-terraced property and the application proposes the insertion of 2 addition roof lights, to front elevation of the property and the insertion of a roof light and dormer window to the rear elevation of the property. The proposed dormer will be proportionate and lines up with the windows below. The dormer will be clad in lead which is an appropriate finish and will contain a timber casement window and the roof lights will be of a conservation type. This is considered to be acceptable and would not be harmful to the character and appearance of the existing property. The development is considered appropriate in terms of the character of the main dwelling and the proposal is considered acceptable in terms of Policies CS11, CS12 and CS27 of the Dacorum Core Strategy and saved Dacorum Borough Local Plan Appendix 7 - small scale house extensions.

#### Effect on Character of the Area and Street Scene

Appendix 7 of the saved Local Plan provides the following guidance in relation to dormer windows:

Loft conversions resulting in the need for dormer windows can have a significant effect on the appearance of the house and the street scene. Dormers should preferably be located on rear roof slopes therefore, and the following guidelines should be followed:

- (a) the dormer window should not extend above the ridgeline of the existing roof, but should be brought as far as possible below the ridge;
- (b) (b) the dormer margins should be set in a minimum of 1 m from the flank walls (including party walls with adjoining properties) and set in from the main rear wall; and
- (c) the dormer should be clad in materials similar in appearance to the roof.

The proposal will include two Velux roof lights to the front elevation of the property and there are a number of properties with front rooflights such as the neighbouring property No. 72 Ellesmere Road. Therefore it is considered that the proposed changes to the front of the property would be in keeping with the character and appearance of the street scene.

However with regards to the rear dormer window; the rear elevation of the property is visible from Ivy House Lane (over the garages), so the proposed dormer will be visible from public viewpoints. There are currently no rear dormers within the rear of this

terrace so dormers are not typical elements within rear roof slopes of Ellesmere Road; however there are many examples of rear dormers within the Conservation Area and therefore it is considered that on the balance the proposed dormer window would be in keeping with the character and appearance of the general locality.

With regards to the impact of the dormer window on the character and appearance of the conservation area; there was an previous appeal in relation to 3 Montague Road (appeal reference number APP/A1910/D/15/3016580) where The Council refused an application for rear dormer windows on the basis that the proposal on the basis that there were not other examples of dormer windows within the existing road. However the inspector concluded that whilst there were no other examples of dormer windows on the street, there were other examples within the conservation area and therefore on the basis that the proposal was in accordance with Appendix 7 of the Saved Local Plan; the proposal was in keeping with the character and appearance of the area.

Therefore this appeal decision is a material consideration in determining the current proposal and on the basis that there are other examples of dormer windows in the general locality; The Council could not justify refusing the proposal on the grounds that there are no other examples of dormer windows on the road.

Therefore the proposal is in accordance with the Local Plan policy 120 and Core Strategy Policy CS27. In addition to this the proposal is also in accordance with the dormer window guidance within Appendix 7 of the Local Plan.

#### Effect on Amenity of Neighbours

There is no direct overlooking of any window in the neighbouring properties and it is considered that no material loss of privacy will result. In this regard, the proposal is considered acceptable in terms of Policy CS11 and CS12 of the Dacorum Core Strategy and saved Dacorum Borough Local Plan Appendix 7 - small scale house extensions.

#### **Conclusions**

The proposed is acceptable and would not have an adverse impact on the appearance of the street scene and the wider Berkhamsted Conservation Area. There would be no significant adverse impacts on neighbouring properties. The proposal is therefore in accordance with the National Planning Policy Framework, Policies CS12, CS17 CS13, and CS27 of the Core Strategy.

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

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

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

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

Reason: In the interests of the visual amenities of the Conservation Area in accordance with Dacorum Core Strategy Policy CS27.

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

01A

02A

03A

04A

05A

06A

07B

08A

09A

11

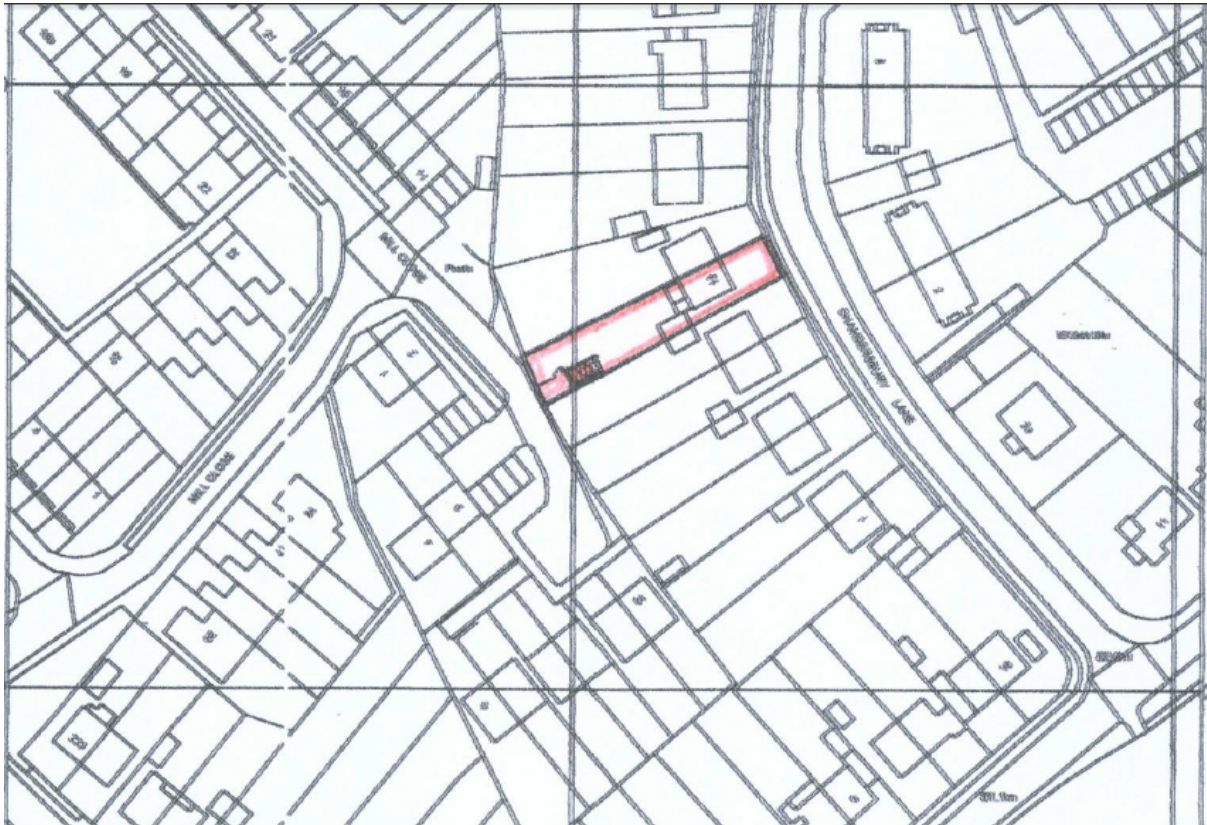
DESIGN AND ACCESS STATEMENT

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

Item 5h

4/01729/16/FHA – DETACHED GARAGE

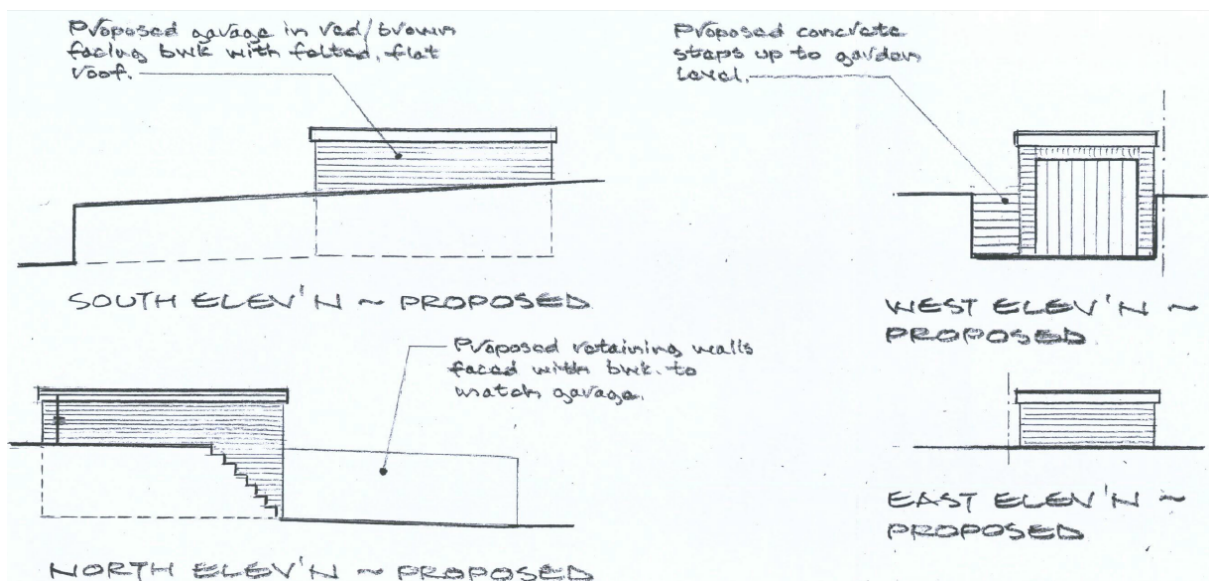
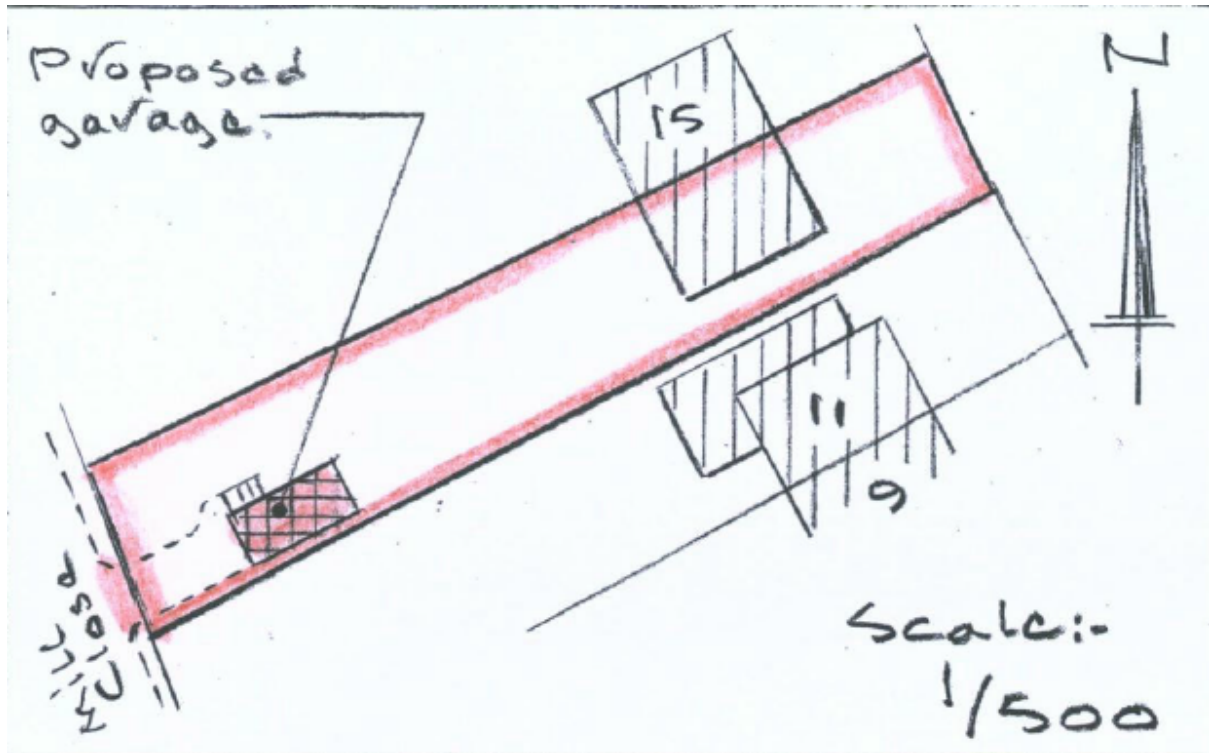
13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY



Item 5h

4/01729/16/FHA – DETACHED GARAGE

13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY





**4/01729/16/FHA - DETACHED GARAGE.  
13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY.  
APPLICANT: MR MOHAMMED AHMED.**

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[Case Officer - Intan Keen]

## **Summary**

The application is recommended for approval.

The proposed access would not raise any highway concerns.

The proposed garage outbuilding would be ancillary to the main use of the site as a single dwelling. It would be of an acceptable design and appropriately subservient to the parent dwelling. Due to its siting and scale, the proposed development would not have an adverse impact on the Chambersbury Lane or Mill Close street scenes. The outbuilding would not have an adverse impact on the amenity of neighbouring properties. Car parking arrangements are satisfactory.

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

## **Site Description**

The application site is currently occupied by a two-storey semi-detached dwelling located on the south-western side of Chambersbury Lane (proximate to the junction with Bunkers Lane). It has a secondary (rear) frontage to Mill Close, the level of this road is significantly lower than the application site. Opposite Mill Close to the south-west are a series of garages in a parallel arrangement accessed off a shared drive directly south-west of the site. The site is located within Residential Character Area HCA19 (Nash Mills) and within the Highbarns Chalk Area.

## **Proposal**

Planning permission is sought for a single-storey detached outbuilding located within the rear garden of the application site. The outbuilding would be used as a garage and storage of bicycles.

The outbuilding would have dimensions of 3.05m wide by 5.5m deep. It would feature a flat roof less than 3m high.

## **Referral to Committee**

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

## **Planning History**

None on site.

Land to rear of Nos. 7, 9 and 11 Chambersbury Lane, Hemel Hempstead

Reference is made to previous applications on the adjacent site at land to rear of Nos. 7, 9 and 11 Chambersbury Lane, including:

4/00765/07/FUL for detached chalet bungalow which was refused and subsequently dismissed at appeal. The Inspector found the proposed development would result in unsatisfactory living conditions for the future occupiers of the proposed bungalow, contrary to the objectives of Policy 11 of the Local Plan (now superseded by Policy CS12 of the Core Strategy).

4/01514/08/FUL for two two-bedroom apartments which was refused. The reasons for refusal are set out below:

1. Policies of the adopted Dacorum Borough Local Plan aim to safeguard the environment. Policy 11 of the Dacorum Borough Local Plan 1991-2001 specifies that development will not be permitted unless it satisfies a range of criteria. In particular, new development should be appropriate in terms of layout, site coverage, design, scale, bulk and height and should respect the townscape, density and general character of the area in which it is set. By reason of its layout, orientation and design, the development would give rise to unacceptable living conditions for the occupiers of the proposed flats. In addition, in view of the size of the application site and the change in levels between Mill Close and Chambersbury Lane, the site is inadequate in size to provide satisfactory amenity space. Due to the inadequate separation between the proposed dwellings and existing properties in Chambersbury Lane, which is exacerbated by the change in levels across the site, the rear garden of the proposed dwellings would be dominated and overlooked by the existing dwellings of Chambersbury Lane. The proposal is thus contrary to Policy 11 of the Dacorum Borough Local Plan 1991-2011.

2. By reason of its design, size, scale, orientation and layout, the proposed development would have an adverse impact on the privacy and residential amenities of existing residents of Chambersbury Lane. The development will appear visually intrusive and overbearing, especially when viewed from parts of the rear garden of No. 5 Chambersbury Lane, and will overlook No.s 9, 11 and 13. Insufficient space exists between the proposed building and the various boundaries to provide landscaping to soften the visual impact of the building. The proposals are therefore contrary to Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

#### Little Martins Annexe, Bury Rise, Bovington

Reference is also made to application 4/00372/16/ROC for removal of Condition 1 (ancillary use) attached to planning permission 4/03614/15/ROC for construction of new garage. Condition 1 read as follows:

“The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Annexe At, Little Martins.

Reason: To ensure that the detached garage is not severed from the main dwelling to provide a self-contained dwelling unit, since this would be out of character with the area, and contrary to the provisions of policy CS5, CS11 and CS12 of the Core Strategy (2013).”

This application was refused and subsequently dismissed at appeal (the condition restricting use remains in force).

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Soil and Water Quality  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policy 51  
Policy 58  
Appendices 5 and 7

### Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area HCA19 (Nash Mills)

## **Summary of Representations**

### 8 Mill Close

There is not enough parking in Mill Close as it is, creating a driveway for a house in Chambersbury Lane would take up at least two parking spaces, and the space is just not there. They have also cut down the willow tree which was against recommendations from previous request to place a house here.

### Nash Mills Parish Council

The committee object to the proposal of a detached garage on the site.

They have concerns with the lie of the land (a steep site) and effects on drainage. The planning committee are concerned that parking congestion, which is already an issue in that area, will be exacerbated with the forthcoming implementation of double yellow lines.

### Hertfordshire Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council

as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

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

Conditions:

1. 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, which will be restricted to a double width, ie as per Roads in Herts - Highway design guide 3rd ed guidance, 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 have measurements of 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. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

5. 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.

6. 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.

7. The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.

Reason: In the interests of the safety of persons using the access and users of the highway.

8. Prior to commencement of development full details of the construction of any retaining wall associated with construction of the proposal, 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.

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

Informatives:

1. Highway structural considerations. The applicant is advised that in order to comply with Condition 8 of this permission 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).

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

3. 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.

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

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

## Comments

The proposal is for construction of a new VXO with a parking space and garage.

## Access

The proposed site already has access and parking to the front of the property on Chambersbury Lane, which is an Unclassified local Access Road.

The proposal is for a new VXO to the rear of the property, which is on Mill Close which is also an Unclassified local Access Road, used mainly to access garages.

## Parking

The proposed site already has off street parking to the front of the property on Chambersbury Lane.

The proposal is for a new parking space and a garage to the rear of the property. This will require the construction of a retaining wall to maintain the stability of the neighbouring gardens and the part demolition of the existing rear boundary retaining wall.

It is judged that the proposed development will not have a significant impact on the highway, although it is noted that a new retaining wall will be required on the boundary with the adjoining properties on Mill Close to make way for the parking space and garage. There are concerns around the structural stability, function and serviceability of both the proposed and the existing retaining walls. It is highly recommended the applicant consult a structural engineer to ensure any changes will not have any adverse effect on the highway or residents.

It is also noted the adjoining properties are under third party ownership: the applicant must gain the owner's permission before making any changes to their property boundary.

## Conclusion

HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity, subject to the conditions and informative notes above

## Hertfordshire Highways - additional informal comments summarised

The agent has confirmed the proposed driveway shall be constructed of permeable paving (notated on plans) with soakaway beneath. This is appropriate to meet the requirements of Condition 4 above.

Condition 6 shall appear as an informative.

With respect to the requirements under Condition 8, the applicant needs to enter into the Technical Approval process, since the boundary wall abuts onto the highway. A technical approval certificate will be issued if the plans are required to and meet the regulations.

#### Hertfordshire Highways - additional comments summarised

I can confirm that the site plan showing elevations is sufficient to meet the condition on levels, although normally we would like to see the angle specified.

I can also confirm that given the low-trafficked nature of Mill Close, and that it is the neighbour's wall which restricts view to the east side of the vx0, we are happy that the visibility to the west of the drive (facing oncoming traffic) is sufficient to meet that condition.

As regards to the (pedestrian) visibility to the west of the driveway, since the drive is wider than 2.4m, this is adequate to meet the condition.

#### Contaminated Land

None received at the time of writing this report.

### **Considerations**

#### Policy and Principle

The construction of outbuildings ancillary to residential uses is acceptable in a town location such as Hemel Hempstead under Policy CS4 of the Core Strategy.

Reference is made to an appeal against a condition restricting use of a garage for ancillary use at Little Martins Annexe, Bury Rise, Bovington (reference 4/00372/16/ROC) which was dismissed. The Inspector opined the siting of the garage would raise some doubt as to whether both sides of the garage would be intended to be used for housing vehicles. Additionally, noting the site's history in that instance the Inspector found the condition reasonable to continue the restriction on use.

With respect to the current development, it is considered that in light of the previously refused applications on the adjoining sites (referenced above), it would be reasonable to condition the restriction on use to be ancillary to the parent dwelling at No. 13 Chambersbury Lane, if planning permission is granted.

#### Impact on appearance of building and street scene

The proposed development with a relatively low profile and set into garden level would appear subservient to the parent building in accordance with HCA19 - Nash Mills guidance.

Due to levels across the site falling towards the rear boundary, there would be limited views of the outbuilding from Chambersbury Lane and as such there would be no significant impact from this perspective.

The proposed garage outbuilding would be set back 5.5m from the site's secondary frontage to Mill Close. Its limited height less than 3m above this street level would not be unduly prominent, noting it would acceptably integrate with the street scene particularly noting the immediate context of the garage blocks immediately south-west of the site.

The proposed vehicle access would break the existing fenceline and vegetation behind. This is not considered to raise any significant concerns noting the built up character to the west and south of Mill Close within proximity to the site.

Therefore the development would not have an adverse impact on the appearance of the street scene in accordance with Policy CS12 of the Core Strategy.

#### Impact on neighbouring properties

The application site has two directly adjoining properties including the dwellings either side at Nos. 11 and 15 Chambersbury Lane. The site is also located uphill from No. 2 Mill Close and a garage block.

The proposed garage would be excavated into existing garden levels in order to be accessed from Mill Close. As such, the garage would have a height of approximately 1.5m above existing ground level. This would not have an adverse impact on adjoining neighbouring properties with respect to visual intrusion, loss of light or overlooking to neighbouring properties on Chambersbury Lane.

The proposed garage would be sited over 20m from the dwelling at No. 2 Mill Close, which is oriented to face the garage block and not the application site directly. Due to its single-storey scale and the (indirect) relationship between the two properties, the development would not result in unreasonable levels of visual intrusion or loss of light.

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

#### Impact on access and parking

The highway authority have not raised objection with respect to the new access, subject to the imposition of conditions set out in their comments above.

No concerns have been raised with respect to on-street parking or the provision of double yellow lines on Mill Close as a result of the proposal.

It is considered reasonable to attach recommended highways conditions relating to vehicle and pedestrian visibility splays in the interests of highway and pedestrian safety.

As noted above, the highway authority has raised no concerns with respect to the restrictions to visibility on the left hand side (in the north-western direction) of the drive when exiting. It is also noted the development is acceptable with respect to pedestrian visibility due to the width of the driveway.

The proposed gradient of the driveway would accord with Highways' 1:10 standard and therefore does not need to be conditioned.



Surface water disposal would be dealt with on-site through the provision of permeable paving leading to a soakaway beneath. This has satisfied the highway authority.

The highway authority have requested a condition requiring details to be submitted under their Technical Approval process. This is not within the remit of planning and therefore shall appear as an informative if permission is granted.

Similarly, storage of materials and road deposit during construction are also matters which can be included as an informative, rather than conditions if planning permission is granted.

With respect to car parking, it is noted that the application site currently benefits from two on-site parking spaces within the forecourt off Chambersbury Lane. The proposal would add one additional space to the rear of the site. This would meet the maximum parking standard for a single residential dwelling. The increase in the number of spaces would not raise any objections and would not place undue stress on the surrounding road network in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

#### 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 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 100m<sup>2</sup> of additional floor space.

#### Highbarns Chalk Mines Outer Area and Contaminated Land

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. If planning permission is granted, an informative shall be included in relation to this matter.

Contaminated Land have not provided comments however it is noted that the site is within the vicinity of former contaminative land uses (also noted under previous applications for the adjoining site to the south). As such, if planning permission is granted, it would be reasonable to attach standard contaminated land conditions.

#### Other matters

It is important to note that outbuildings and vehicle accesses can be constructed under permitted development (Class E of the General Permitted Development Order 2015). However, the proposed development is not permitted development due to the height of the outbuilding (above 2.5m within 2m of a boundary), and due to the level of excavation that would be likely to be classed as engineering works.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Senior Manager or Team Leader, Development Management, following the expiry of

the consultation period and no additional material considerations being raised, with a view to grant for the following reasons.

- 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 garage outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 13 Chambersbury Lane, Hemel Hempstead.**

Reason: To ensure that the detached garage is not severed from the main dwelling to provide a self-contained dwelling unit, since this would be out of character with the area, and contrary to the provisions of Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

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

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

- 4 **Notwithstanding the details shown on Drawing No. 1619/2, vehicular visibility splays of 2.4m x 43m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in the north-western direction from the crossover, within which there shall be no obstruction to visibility between a height of 0.6m and 2.0m above the carriageway.**

Reason: In the interests of highway safety in accordance with Policy CS8 of the Dacorum Core Strategy and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 5 **Notwithstanding the details shown on Drawing No. 1619/2, pedestrian visibility splays of 2m x 2m shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on the north-western side of the entrance to the site, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway.**

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

- 6 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions 6**

to 9 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition 9 has been complied with in relation to that contamination.

### **Site Characterisation**

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

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

**This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.**

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

### **7 Submission of Remediation Scheme**

**A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment**

**must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

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

## **8 Implementation of Approved Remediation Scheme**

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

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

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

## **9 Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 6 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 7, which is subject to the approval in writing of the Local Planning Authority.**

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is**

**subject to the approval in writing of the Local Planning Authority in accordance with Condition 8.**

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

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

**Site Location Plan;  
1619/2 (proposed block plan, floor plan and elevations).**

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

Article 35

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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.

Highways Informatives:

1. Highway structural considerations. Prior to commencement of development, full details of the construction of any retaining wall associated with construction of the proposal, 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 the highway authority. The applicant is required to contact [highway.structures@hertfordshire.gov.uk](mailto:highway.structures@hertfordshire.gov.uk) to enter into the Technical Approval process, since the boundary wall abuts onto the highway. A technical approval certificate will be issued if the plans are

required to and meet the regulations.

The applicant is advised that in order to comply with this requirement 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).

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

3. 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.

4. 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

5. 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 development.

#### Contaminated Land Informative:

The applicant is advised that a guidance document relating to land

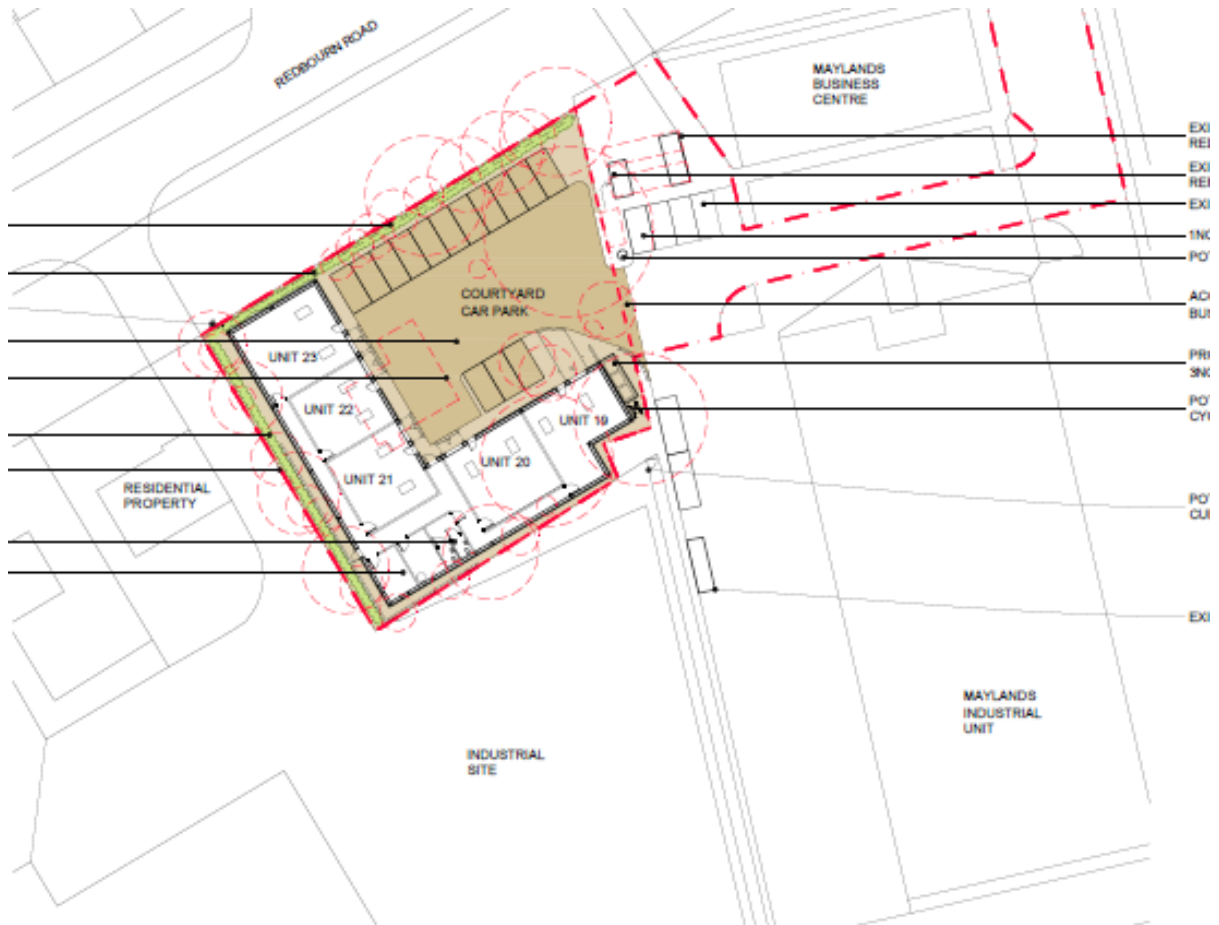
contamination is available in the Council's website:  
<http://www.dacorum.gov.uk/default.aspx?page=2247>

# Agenda Item 5i

## Item 5i

**4/01796/16/FUL – EXTENSION OF MAYLANDS BUSINESS CENTRE WITH THE ADDITION OF A NEW SINGLE-STOREY BUILDING, REPLACING BUNGALOW DEMOLISHED FURTHER TO 4/03183/15/DEM**

**THE BUNGALOW, REDBOURN ROAD, HEMEL HEMPSTEAD, HP2 7BA**

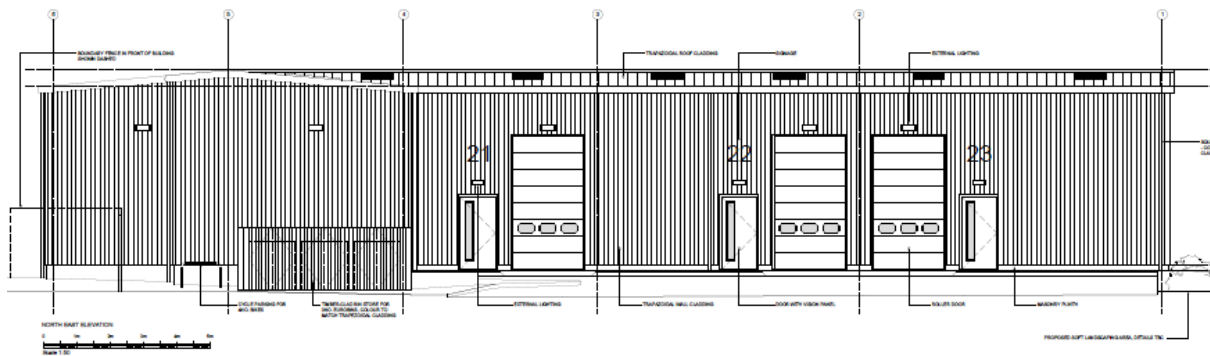
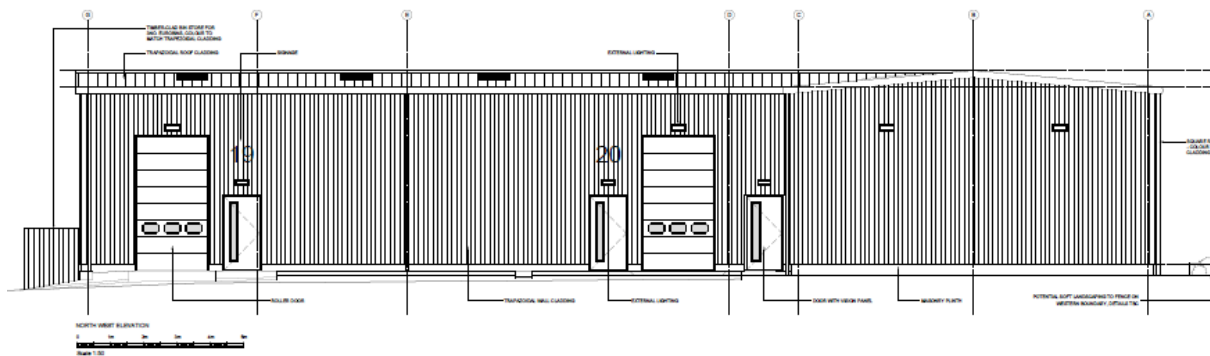




Item 5i

4/01796/16/FUL – EXTENSION OF MAYLANDS BUSINESS CENTRE WITH THE ADDITION OF A NEW SINGLE-STOREY BUILDING, REPLACING BUNGALOW DEMOLISHED FURTHER TO 4/03183/15/DEM

THE BUNGALOW, REDBOURN ROAD, HEMEL HEMPSTEAD, HP2 7BA



**4/01796/16/FUL - EXTENSION OF MAYLANDS BUSINESS CENTRE WITH THE ADDITION OF A NEW SINGLE-STOREY BUILDING, REPLACING BUNGALOW DEMOLISHED FURTHER TO 4/03183/15/DEM.  
THE BUNGALOW, REDBOURN ROAD, HEMEL HEMPSTEAD, HP2 7BA.  
APPLICANT: Dacorum Borough Council.**

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[Case Officer - Matt Heron]

## **Summary**

The proposal would support the growth of small businesses within a designated Employment Area and the loss of a single dwellinghouse is acceptable in policy terms. As such, the principle of the development is acceptable and the proposal represents sustainable development, in accordance with policy NP1 and the 'golden thread' of national policy.

The proposal has also been assessed in terms of its impacts on the character of the area, the living conditions of the occupants of neighbouring properties, highways and parking matters and on other relevant material planning considerations. It has been concluded that the proposal is acceptable in terms of the above and is therefore in accordance with identified local and national policy.

## **Site Description**

The application site is located on the southern side of Redbourn Road, from which access is taken, within the designated Employment Area. Immediately adjacent to the site, to the east, is Maylands Business Centre (MBC) – a Dacorum Borough Council led business development centre providing business premises for small to medium sized developing businesses within the local area.

Facing the site, to the north, lie a row of single storey and two storey detached and semi-detached residential units. These buildings are constructed in a variety of architectural styles from a diverse palette of materials. To the west of the site, beyond another access to commercial/industrial units within the Employment Area to the rear of the site, are two more detached residential properties.

The site itself is comprised of a single storey, detached, residential property constructed of facing red brickwork under a hipped roof. This building is currently unoccupied and has been partially demolished following approval under application ref. 4/03183/15/DEM.

## **Proposal**

The application seeks permission for the construction of a single storey building, replacing the existing bungalow which is already partly demolished under the above mentioned approval. The proposal would afford five units for businesses and, with regards to the Town and Country Planning (Use Classes) Order 1987 (as amended),

the primary use would be Use Class B1(c) (light industrial). There may also be other ancillary uses, such as B1(a) (offices), B1(b) (research and developments of products and processes) and B8 (storage).

The new building would be constructed in an 'L-shape', with a maximum height of approximately 6m and a total gross internal floor area of approximately 536m<sup>2</sup>. The building would be constructed of vertical grey cladding and brickwork similar to that found at the adjacent MBC under a shallow grey clad pitched roof.

### **Referral to Committee**

The application is referred to the Development Control Committee as Dacorum Borough Council has an interest in land at the application site.

### **Relevant History**

4/03183/15/DEM - The building to be demolished is a council owned bungalow. The bungalow is being demolished to extend the Maylands Business Centre, creating 5 new units for the centre. Traditional demolition using plant and machinery. Site to be developed into an extension of the current Maylands Business Centre. Approved 20/10/2015.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (the Framework)  
National Planning Practice Guidance (NPPG)

#### Adopted Core Strategy

NP1 – Supporting Development  
CS1 – Distribution of Development  
CS4 – The Towns and Large Villages  
CS8 – Sustainable Transport  
CS9 – Management of Roads  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS14 – Economic Development  
CS15 – Offices, Research, Industry, Storage and Distribution  
CS26 – Green Infrastructure  
CS29 – Sustainable Design and Construction  
CS32 – Air, Soil and Water Quality  
CS34 – Maylands Business Park  
CS35 – Infrastructure and Developer Contributions

## Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the use of Urban Land

Policy 15 – Retention of Housing

Policy 31 – General Employment Areas

Policy 57 – Provision and Management of Parking

Policy 58 – Private Parking Provision

Policy 99 – Preservation of Trees, Hedgerows and Woodlands

Policy 113 – Exterior Lighting

Policy 129 – Storage and Recycling of Waste on Development Sites

Appendix 5 – Parking Provision

### **Summary of Representations**

#### **Comments received from consultees:**

**Hertfordshire Biological Records Centre** – No objection, subject to relevant conditions.

**Hertfordshire and Middlesex Wildlife Trust** – No objection received.

**Thames Water** – No objection received.

**Affinity Water** – No objection received.

**Dacorum Trees and Woodland** – No objection received.

**Dacorum Environmental Health** – No objection subject to relevant conditions.

**Hertfordshire County Council Transport, Programmes and Strategy** – No objection received.

**Hertfordshire County Council Contributions** - seek the provision of hydrants required to serve the proposed buildings

**Dacorum Refuse and Recycling** – No objection received.

#### **Comments received from local residents:**

The application has been advertised by means of neighbour notification letters and site notice. Five letters of objection have been received from addresses in Redbourn Road. Comments are summarised as:

- Harm to living conditions of occupants of neighbouring units, in terms of

- overbearing, loss of light and noise and disturbance.
- Loss of vegetation would harm character of the area.
- Harm to living conditions in terms of light pollution.
- Loss of residential unit.
- Nature of the development would significantly harm character of the streetscene.
- Harm to biodiversity, including protected species.
- Increased traffic and congestion.
- Loss of neighbouring privacy.
- Proposed building is of a poor design.

**Key Considerations:**

The main planning considerations in the determination of this application are:

1. The principle of the development
2. The quality of the design and the impact on the character of the area
3. The potential impact on the living conditions of the occupants of surrounding neighbouring dwellings
4. Highways and parking
5. Sustainability
6. Other Material Planning Considerations
  - (i) Contaminated Land
  - (ii) Protected Species
  - (iii) Refuse and Recycling
  - (iv) CIL and other Contributions

**1. The principle of the development**

Construction of new building within a designated Employment Area

Policy CS1 states that Hemel Hempstead will be the focus of jobs with the emphasis upon maintaining a balanced distribution of employment growth, with growth and rejuvenation in the Maylands Business Park.

Policy CS4 outlines that development will be guided towards Towns, such as Hemel Hempstead, and that within designated Employment Areas appropriate employment generating development is encouraged. Policy CS14 reiterates this, stating that most employment generating development will be located in designated Employment Areas

in accordance with policy CS1.

Policy CS15 outlines that development proposals which include provision for small businesses will be encouraged. This policy goes on to state that, within designated Employment Areas, new office and employment (B-class) uses will be supported provided that they meet certain criteria. One of which is that they are in accordance with the specific uses permissible in each designated Employment Area.

Policy 31 states that within Maylands Business Park, proposed developments for storage and distribution will be encouraged, though the scale and nature of development within these Areas will be assessed with regards to; the character of the Employment Area, other planned development, the character of surrounding areas, the accessibility of the location and other highways impacts.

Overall, the emphasis of the strategy and objectives in the employment sections of local policy is on husbanding reserves of employment land to ensure that there continues to be enough land and floorspace in the Borough, in the right locations and of the right quality, to provide jobs for local people and that the Borough maintains a diversity of employment uses which accommodates for the requirements of local businesses, particularly small businesses, and firms seeking to locate in the area.

Given that the application site is located within a designated Employment Area within Hemel Hempstead and the proposal would provide the existing MBC with five new employment units for small businesses, it is considered that the proposal, subject to being acceptable with regards to other considerations mentioned within Policy 31, would not contravene the above mentioned overarching strategy for employment land and uses in the Borough, and is acceptable in accordance with policies CS1, CS4, CS14, CS15 and 31.

Furthermore, Policy CS34 specifically relates to Maylands Business Park and states that new development within this designated Employment Area must contribute fully to the achievement of use, movement and design principles and should meet relevant opportunities for character zones within the Employment Area.

In 2007, the Council adopted the Maylands Master Plan as a planning policy statement, to be used in determining planning applications and reviewing the Local Plan. The application site is shown in this master plan as located within the 'Engine Room' character zone. Section 2.5 in the master plan states that a range of industrial and commercial uses will be encouraged in the 'Engine Room'. Figure 18 within the Core Strategy also states that the 'Engine Room' should continue to offer a mix of industrial and commercial uses, as well as more flexible business uses.

Taking into account the scale and nature of the proposal, it is considered that the proposed development would comply with the specific uses permissible within the 'Engine Room' of the Employment Area, in accordance with Policy CS35.

Notwithstanding the above, it is noted that Figure 22 within the Core Strategy outlines that the application site lies within an 'Area of Residential Opportunity'. However, this figure is simply indicative of possible future land uses as the Borough seeks to maintain its five year supply of housing land. As such, it does not represent a land allocation and no weight has been afforded to this Figure in the determination of this application.

Overall, it is considered that the proposed development, which would aid the growth of small businesses within an allocated Employment Area in Hemel Hempstead, complies with identified local employment policy in this regard. However, given that the building would have a primary B1(c) (light industrial) use, it is considered reasonable to impose conditions ensuring that the premises is used solely for this primary use (which would allow ancillary uses, such as B1(a) (offices), B1(b) (research and developments of products and processes) and B8 (storage)) and removing permitted development rights for Schedule 2, Part 3, Class PA (conversion to residential) to ensure the building remains in an appropriate use for this location.

#### Loss of a Residential Building

The application site currently consists of a partially demolished single storey residential unit. Policy 15 states that the loss of housing land and dwellings will not be supported, except within designated Employment Areas for permissible uses.

As the dwelling is located within Maylands Business Park, the development is for small businesses (a use specifically encouraged in this location) and as prior approval has been given by the Local Planning Authority to demolish the unit, it is considered that the proposal is in accordance with Policy 15 and is acceptable in this regard.

## **2. The quality of the design and the impact on the character of the area**

Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

#### Scale, Bulk, Mass and Design

The proposed development is located within a designated Employment Area, on the southern side of Redbourn Road. Immediately adjacent to the site, to the east, lies a large building constructed of grey cladding and facing brickwork under a grey clad roof which forms part of the existing MBC. To the rear of the site, moving further into the Employment Area, are other large scale buildings for commercial/industrial purposes.

The majority of the southern section of Redbourn road immediately adjacent to the site is comprised of such buildings. The only exception is to the west of the site, as here there are two detached residential units. The northern part of Redbourn road facing the application site is solely comprised of residential dwellings.

The proposed building would have a maximum height of approximately 6m and would be set back from the access road by approximately 16m. The building would leave a gap of approximately 3.1m to the western boundary, a gap of approximately 1.3m to the southern boundary, a minimum gap of approximately 1.5m to the eastern boundary and a minimum gap of 1m to the northern boundary.

The nearest built form to the west would be approximately 9m from the proposed building and the nearest built form to the east would be approximately 15m away from the site. There is no built form immediately to the south of the site.

Taking all of the above into account, with regards to the overall scale, bulk, mass, and positioning of the proposal, it is considered that the development would not result in a visually dominant or intrusive feature within the immediate streetscene. Furthermore, with regards to the spacing that would be left about the building and the proximity of surrounding built form, it is considered that sufficient space would be left about the proposal to ensure that the development would not appear cramped or overdevelopment upon its plot.

Turning to the individual design of the proposal, the building would be constructed of 'Goosewing Grey' wall cladding and brickwork to match buildings within the adjacent MBC under a 'Goosewing Grey' clad roof. It is considered that these materials are sympathetic to the character of the area and, subject to a condition ensuring their use, would preserve the harmony of the surrounding built form. The building has been designed to be a modern facility, maximising natural light, ventilation and functional circulation space and, given its location within a designated Employment Area, would not result in significant harm to the character of the immediate streetscene and the visual interests of its surroundings.

### Landscaping

It is proposed to remove vegetation at the application site as shown on drawing no. 15023\_PL\_003 Rev. 3 and it is noted that concerns have been raised with regards to the loss of this existing landscaping. However, on discussion with Dacorum Trees and Woodland Department, it is not considered that this vegetation is of significant amenity value to the area and is therefore not of sufficient quality to protect. Furthermore, as this vegetation is not within a Conservation Area and is within the ownership of the applicant, it may be removed without prior consent from the Local Planning Authority.

Taking the above into account, though regrettable that this vegetation would be lost, it is not considered reasonable to refuse this application on these grounds alone. It is,



however, recommended that a condition is imposed requesting the submission of a Landscaping Plan prior to first occupation of the building identifying the species type and mix for replacement vegetation at the site, as well as providing further details of hardstanding and boundary treatments. This would ensure that the development is off a high standard and that the visual impact of built form is softened.

Having regard to all of the above, and subject to the imposition of identified conditions, and a further condition requesting full details of alterations to cycle parking and bin stores, the proposal would be visually acceptable. As such, the proposal complies with identified local and national policy in this regard.

### **3. The potential impact on the living conditions of the occupants of surrounding neighbouring dwellings**

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

The proposed building would be positioned in excess of 35m away from properties to the north of the site. As such, it is not considered that the build, form and location of the proposal would result in harm to these units, in terms of overbearing and loss of light.

Turning to the residential unit to the west, 'The Lodge', the proposed building would project approximately 7m beyond the principal elevation of this dwelling and would extend approximately 17m beyond the rear of this property. However, the proposal would be positioned approximately 8.5m away from 'The Lodge' and there are no habitable first floor windows within the eastern elevation of this unit. Taking this into account, and with regard to the overall scale of the proposed building, though it would be visible from the rear amenity space which benefits 'The Lodge', it is not considered that the proposal would result in significant and demonstrable harm to the living conditions of the occupiers of this dwelling, in terms of overbearing and loss of light.

In terms of overlooking, as there are no windows proposed within the western elevation of the building, and as the proposed car park would be in excess of 35m from units to the north of the site, it is considered that the development would preserve the privacy of surrounding units.

#### Noise and Disturbance

With regards to noise and disturbance, the proposed development would provide space for small light industrial businesses, would be located on an existing Employment Area and the existing tenancy agreement for units at the Maylands Business Centre prohibits any work which could cause noise and disturbance to neighbouring units between the hours of 11pm to 7am. Examples of small businesses

occupying existing buildings at the MBC include; catering services, cleaning services, healthcare specialists, and a recruitment agency.

Taking the above into account, and on discussion with Dacorum Environmental Health Officers, it is not considered that the proposed use would result in harm in this regard, over and above the existing situation, to the extent that would warrant a refusal. It is, however, considered reasonable to impose conditions; requiring a full noise assessment (including an assessment of any plant machinery to be inserted), restricting any external loudspeaker systems and ensuring that there is sufficient insulation and anti-vibration measures incorporated within the building. It is also noted that Dacorum Environmental Health has requested a condition requiring details of any piling during construction. However, given that there is Environmental Health legislation ensuring that developments are constructed in accordance with appropriate noise standards, this condition is not considered necessary.

Furthermore, it is noted that specific concerns have been raised in terms of noise and disturbance from the proposed car park. Given the distance from this element of the proposal to surrounding units, it is not considered that the movement of people and associated noise resulting from the car park would result in significant impacts in this regard and it would not be reasonable to refuse the application on these grounds alone.

#### Lighting

Turning to impacts from lighting, the applicant has confirmed that all external lighting will meet the appropriate standards of relevant legislation. On discussion with Dacorum Environmental Health Department, this is considered acceptable. However, to ensure that the proposal has no significant impact on the living conditions of the occupants of surrounding dwellings in this regard, it is recommended that a condition is imposed requesting the submission of the exact specification of all external lighting prior to the first occupation of the building. Subject to the imposition of this condition, the proposal would be in accordance with Policy 113 and acceptable in this regard.

Taking all of the above into account, subject to the imposition of identified conditions, the proposal would not significantly harm the living conditions of the occupants of surrounding residential units, in terms of overbearing, overlooking, loss of light and noise and disturbance. The proposal therefore complies with relevant local policy and national policy in this regard.

#### **4. Highways and parking**

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the

overall need to reduce the use of high emission vehicles. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the Framework and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12

The proposal would provide 14 new spaces to be used in association with the proposed building. This is considered sufficient with regards to the nature and scale of the development. Furthermore, the development would also afford secure cycle parking (details requested through condition). Taking the above into account, it is considered that parking provision would be acceptable.

Taking into account highway safety, it is considered that vehicular movements in association with the proposal could be accommodated on the existing highways network. The applicant has also submitted a Construction Management Plan, a traffic schedule and a plan demonstrating that site operatives, managers and other visitors will park at the nearby Gorvehill/Woodhall Adventure Playground. These details are considered acceptable. Furthermore, a submitted statement outlines that the site is in a sustainable location, offering a range of modes of transport to and from the site, and confirms that all vehicles, when possible, will use the main MBC access and the vehicular access to the bungalow will be closed off as soon as possible permanently.

Taking the above into account, and as Hertfordshire County Council Transport, Programmes and Strategy are not in objection to the proposed development, it is considered that the proposal is acceptable in terms of impacts on highway safety. It is, however, considered reasonable to impose a condition ensuring that the development is in accordance with details within the submitted Transport Statement.

## **5. Sustainability**

Policy NP1 states that Council will apply a presumption in favour of sustainable development when considering proposals. This is consistent with the 'golden thread' running through the Framework as outlined in paragraph 14. The Framework states that there are three aspects to sustainable development; social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependant (paras. 7-8).

### Environmental

The proposed development would be located within Maylands Business Park and, as such, the infrastructure has been developed to provide good transport links for the Employment Area. There are also services and facilities, including public transport services, available within close proximity of the site.

Furthermore, the applicant has submitted a statement confirming; roof and wall

cladding panels have been given an A+ rating by the Building Research Establishment under their Life Cycle Analysis assessment, cladding panels comply with ISO 14001 illustrating that they contain responsibly sourced materials, construction waste will be recycled where possible and that the thermal performance of the external envelope will meet maximum u-values and will minimise the need for heating internally.

Taking the above into account, it is considered that the proposal would be environmentally sustainable and is in accordance with Policy CS29.

### Social

It is noted that the proposal would result in the loss of a dwellinghouse. However, as discussed above, this unit has been partially demolished following the approval of a prior approval application. As such, and given that the Council can demonstrate a five year supply of housing land, it is not considered that this development is unsustainable in terms of social matters. Limited weight is therefore attached to the loss of 1 unit from the Borough's housing stock. \_

### Economic

Maylands Business Park is the largest designated Employment Area within the Borough and is of significant economic value to the area. The proposal would provide five units for businesses to use and would specifically aid in the growth of small businesses within the Borough.

Sustainable economic growth is one of the key aspects of the current planning system. Paragraph 19 of the NPPF states:

*'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'*

Paragraph 20 of the NPPF then goes on to state:

*'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.'*

Taking all of the above into account, the proposal is considered to be economically sustainable which weighs significantly in favour of the grant of permission.

### Conclusion on Sustainability

Though the proposal would result in the loss of a dwellinghouse, the development would aid in the economic growth of the Borough and is sustainable in terms of environmental matters. Furthermore, the Council can demonstrate a five year supply of housing land. Overall, the proposal represents sustainable development, for which a presumption in favour applies in accordance with para. 14 of the Framework.

## **6. Other Material Planning Considerations**

### *(i) Contaminated Land*

Policy CS32 seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated.

Dacorum Environmental Health Department have been consulted and consider that, as the site is located within the vicinity of potentially contaminative former land uses, a standard contamination condition should be imposed. This condition would require an initial investigation and risk assessment and is phased so if no risk is identified at the desk top study stage then there is no need to proceed further and the condition can be 'discharged'.

This condition is considered reasonable and would ensure that any contaminated land at the site is appropriately dealt with.

### *(ii) 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.

During the course of the demolition of the existing bungalow, though there is the potential for bat roosts within the roof of this building, no protected species have been located. Furthermore, no other protected species, including nesting birds, have been identified at the application site.

Though it is acknowledged that vegetation at the site does contribute, to a limited extent, to the wider ecological network, Hertfordshire County Council Ecology (HCCE) has been consulted and consider that the site, as a whole, is of very little ecological value.

Taking all of the above into account, it is not considered that the proposal would result in significant harm to biodiversity, including protected species, within the immediate and wider surrounding area and a refusal on these grounds alone would not be reasonable. It is, however, considered reasonable to ensure that vegetation to be planted at the site, considered under the above mentioned conditioned Landscaping

Plan, is of an appropriate species to provide foraging habitats for local wildlife.

*(iii) Refuse and Recycling*

Saved Policy 129 seeks to ensure that developments have adequate storage for refuse and recycling. Three Eurobin containers would be appropriately stored on site and a submitted swept path analysis demonstrates that larger refuse freighters could enter, manoeuvre within and then exit the site. As such, the proposal is acceptable in this regard.

*(iv) CIL and other Contributions*

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The development is for commercial floorspace only and, though liable for CIL, is exempt from charging due to the nature of the proposal. .

Furthermore, Policy CS35 outlines that developments will, where reasonable, be expected to make contributions to support local infrastructure. It is noted that fire hydrant provision has been requested by Hertfordshire County Council Fire and Rescue (HCCFR). However, it is considered that this may be dealt with by means of imposing a relevant condition stating that, prior to first occupation/operation of the building, the applicant must submit a scheme detailing appropriate fire hydrant provision. This Grampian style condition would be reasonable and necessary and would ensure that concerns raised by HCCFR are appropriately dealt with.

## **Conclusion**

The proposal would support the growth of small businesses within a designated Employment Area. As such, the principle of the development is acceptable and the proposal represents sustainable development, in accordance with policy NP1 and the 'golden thread' of national policy.

The proposal has also been assessed in terms of its impacts on the character of the area, the living conditions of the occupants of neighbouring properties, highways and parking matters and on other relevant material planning considerations. It has been concluded that the proposal is acceptable in terms of the above and is therefore in accordance with identified local and national policy.

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

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

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

- 2 **The development hereby permitted shall not be carried out other than in accordance with the following approved plans/documents:  
15023\_PL\_002 Rev. 1 & 15023\_PL\_001 Rev. 1 & 15023\_PL\_006 Rev. 5 & 15023\_PL\_007 Rev. 4 & 15023\_PL\_004 Rev. 5 & 15023\_PL\_003 Rev. 3 & 15023\_PL\_005 Rev. 2 & -210 & 15023\_PL\_008 Rev. 1 & Materials specification document entitle 'Maylands Business Centre Extension, External Materials Image Board, June 2016' & Construction Phase Pedestrian and Site Traffic Plan & C1194 Traffic Schedule & Parking Instructions for Site Operatives/Management and Visitors & statement within e-mail received and dated 5 August 2016 confirming that, when possible, all vehicles will use the main Maylands Business Centre access and the vehicular access to the bungalow will be closed off permanently as soon as possible.**

Reason: For the avoidance of doubt, in the interests of proper planning, to ensure a satisfactory appearance to the development and to ensure that the proposal is acceptable in terms of highway safety, in accordance with Policies CS8, CS11 and CS12 of the Dacorum Core Strategy 2013.

- 3 **Prior to first occupation of the building hereby approved 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;
- e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife, including details of bat and bird boxes;
- f) management and maintenance details.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 4 **All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or**

**diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 5 **Prior to the first occupation of the development hereby permitted full details, on a suitably scaled plan, of the alterations to the existing cycle store and bin store, as illustrated on approved plan no. 15023\_PL\_003 Rev. 3, 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 in accordance with approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 6 **Prior to first occupation of the development hereby approved, full details of the specification of external lighting must be submitted to and approved in writing by the Local Planning Authority. Subsequently the lighting associated with this development shall be in accordance with these approved details.**

Reason: In the interests of the living conditions of the occupants of neighbouring units, in accordance with Policy CS12 of the Dacorum Core strategy 2013 and Policy 113 of the Dacorum Local Plan 2004.

- 7 **Prior to first occupation of the development hereby approved, a scheme must be submitted to, and agreed by the Council in consultation with Hertfordshire County Council, for the provision of a fire hydrants. No units shall be occupied until the hydrant serving the approved building has been provided to the satisfaction of the Council. The fire hydrants must thereafter be retained in associated with the approved development.**

Reason: To provide for a safe means of access for fire and emergency vehicles in accordance with policy CS12 of the Dacorum Core Strategy 2013.

- 8 **The development hereby approved shall be used for light industrial (Use Class B1(c)) only.**

Reason: To ensure that the development remains in an acceptable use, in accordance with Policies CS1, CS4, CS14, CS15, CS35 and CS35 of the



- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development within Schedule 2, Part 3, Class PA shall take place.**  
Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding residential amenity, in accordance with Policy CS12 of the Dacorum Core Strategy 2013.
- 10 **Prior to the first occupation of the development hereby approved, a full noise assessment in accordance with PPG24 to include details of any proposed noise mitigation works, must be undertaken and submitted to and approved in writing by the Local Planning Authority. Any noise control measures identified to preserve the living conditions of the occupiers of surrounding residential units shall also be completed before any part of the development is occupied and retained thereafter.**  
Reason: In the interests of the living conditions of the occupants of neighbouring units, in accordance with Policy CS12 of the Dacorum Core strategy 2013.
- 11 **Prior to the first occupation of the development hereby approved, a noise assessment must be carried out in accordance with BS4142 to establish whether the machinery that is to be installed or operated in connection with carrying out this permission is likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the machinery does not, at any time, increase the ambient equivalent continuous noise level. Furthermore, if at any time new plant machinery is installed following first occupation of the units, full details of proposed machinery must be submitted to and approved in writing by the Local Planning Authority.**  
Reason: In the interests of the living conditions of the occupants of neighbouring units, in accordance with Policy CS12 of the Dacorum Core strategy 2013.
- 12 **Any machinery to be used on the premises shall be enclosed with sound insulating materials and installed using appropriate anti vibration mountings in a way that minimises the transmission of structure borne sound and vibration in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**  
Reason: In the interests of the living conditions of the occupants of neighbouring units, in accordance with Policy CS12 of the Dacorum Core strategy 2013.

- 13 **No external loudspeaker systems shall be installed at the site in association with the development hereby approved.**

Reason: In the interests of the living conditions of the occupants of neighbouring units, in accordance with Policy CS12 of the Dacorum Core strategy 2013.

- 14 **No development shall commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

**(a) Site Characterisation**

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

- (iii) 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;**
- **an appraisal of remedial options, and proposal of the preferred option(s).**

**This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.**

**(b) Submission of Remediation Scheme**

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

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

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

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

**(d) Reporting of Unexpected Contamination**

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

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

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

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town

and Country Planning (Development Management Procedure) (England) Order 2015.

### **Informatives**

1. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
2. In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works should be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.
3. Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, Produced in partnership by the Greater London Authority and London Councils.
4. Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.
5. Waste materials generated as a result of the proposed demolition and/or construction operations should be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.
6. The applicant is advised to contact the Hertfordshire Highways at The Rotunda, Old London Road, Hertford, SG13 7XP, tel: 01992 526900, with regard to the carrying out of any works on footway, carriageway, verge or other land forming part of the highway.



**Item 5j**

**4/01743/16/FHA – TWO STOREY SIDE AND SINGLE STOREY REAR  
EXTENSION, NEW CAR PORT AND ALTERATIONS TO APPEARANCE OF THE  
HOUSE (AMENDED SCHEME)**

**KINGSMEAD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EN**



**Proposed North-East Elevation**

1:100



**Proposed South-West Elevation**

1:100

**4/01743/16/FHA - TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION, NEW CAR PORT AND ALTERATIONS TO APPEARANCE OF THE HOUSE (AMENDED SCHEME).**

**KINGSMEAD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EN.**

**APPLICANT: Mrs N Duncan.**

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[Case Officer - Rachel Marber]

## **Summary**

The proposed two storey side extension, single storey rear extension and loft conversion would not detriment the visual amenity of the existing dwelling house, Chipperfield Conservation Area, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with saved appendices 3, 5 and 7 and policy 120 of the Dacorum Local Plan (1991), policies CS6, CS11, CS12 and CS27 of the Core Strategy (2013), and the NPPF (2012).

## **Site Description**

The application site features a two storey detached dwelling located on the west side of Kings Lane which falls within the Chipperfield Conservation Area and designated small village in the Green Belt. The site is set back from Kings Lane on a generous gravel front drive with front boundary treatment shielding the dwelling from being overtly visible from the street scene; however, the rear of the property is visible from the open fields to the rear of the application site.

Kings Lane is predominantly characterised by detached properties situated on generous plots. Each property is varied in terms of character, build line, size and architectural detailing. The overall area has a verdant character aspect emphasised by the surrounding Green Belt fields.

## **Proposal**

The application seeks permission for the construction of a single storey rear extension, two storey side extension and loft conversion. The proposed alterations would increase the dwelling from a four bed into a six bed property.

The proposal is an amended scheme of the previous refused application ref: 4/00544/15/FHA. The amendments to the scheme are as follows:

- The carport has been removed; and
- The three rear dormers have been omitted.

## **Referral to Committee**

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

## **Planning History**

4/00544/16/FHA TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION,  
NEW CAR PORT AND ALTERATIONS TO APPEARANCE OF  
THE HOUSE

Refused

03/06/2016

An appeal against this refusal has been lodged and is currently  
pending consideration

4/02247/13/TCA WORKS TO TREES INCLUDING FELLING OF YEW, HOLLY,  
TWO CYPRESS AND TWO BIRCH TREES.

Raise no objection

25/02/2015

4/01330/07/TCA WORKS TO TREES

Raise no objection

12/07/2007

## **Policies**

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS6 – Small Village in the Green Belt

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 13 – Planning Conditions and Planning Obligations

Policies 120- Development in Conservation Areas

Appendix 3- Gardens and Amenity Space

Appendix 5- Parking Provision

Appendix 7 - Small-scale House Extensions

## **Constraints**

Established residential area of Chipperfield

- Small Village in the Green Belt
- Chipperfield Conservation Area

## **Summary of Representations**

Chipperfield Parish Council



## **Objection**

"CPC objects due to over development of size and letters of objection received from neighbours, Letters & 6 signatures have been sent to DBC."

### DBC Conservation

## **No Objection**

"The dormers have now been omitted from the rear roof slope and otherwise the design and scale of extension is similar to that previously proposed - which James Moir considered acceptable. I note the car port has now been omitted from the proposals, reducing the bulk of development on site; no objection."

### **Comments received from local residents:**

Residents of Corner Cottage, Rivendell, Koh-i-Nor, Copthall Cottage, Little Copthall, (all Kings Lane), Pale House, (The Street).

## **Objection**

"We the undersigned six neighbours of Kingsmead wish to raise concerns regarding the amended proposal above.

Our unease is based on the following:-

**Size** - the planned main body of the house remains the same as the original proposal resulting in a property that constitutes overdevelopment of the site.

**Roof Extension** - although the full-length walk-in dormer with Juliet balcony, and two window dormers, have been removed, it is still extremely likely that attempts will be made to add these at a later date.

**Windows** - the greatly increased size and number of windows result in extreme loss of privacy for neighbours on all sides.

**Car Port** – it is almost certain that a garage or car port will be added later.

As part of any planning permission we propose that the following conditions are made :

- Future development should not include more than two dormer windows to be permitted at the rear of the house. These should not exceed standard double window size. There should be no full length walk-in dormers or Juliet balconies.
- The windows on both sides of the house that overlook adjacent properties should be small, fixed, (not openable), and opaque.

This compromise to the original application will ensure adequate light and ventilation for Kingsmead and go some way to protect the privacy of surrounding homes.

If this cannot be agreed then we formally object to the plans for the following reasons :-

- The original application was refused by three separate planning committees on the grounds of overdevelopment, failure to enhance the Conservation Area and failure to protect residential amenity to an acceptable level, notably regarding privacy.
- Due care should now be exercised to ensure that these same criteria are met to avoid a stage-by-stage application, designed to achieve the original goal by "stealth"

Corner Cottage, Kings Lane

### **Objection**

"We are the residents of Corner Cottage, Kings Lane, Chipperfield and the immediate neighbours of Kingsmead on the south-east side. The proposed development at Kingsmead has already been rejected by the Parish Council twice and also by Dacorum Borough Council Development Control Committee on 26 May 2016. It is re-presented now with only minor amendments to the car port on the north-west side and rear dormer windows/balcony, none of which resolve our initial objections. I trust you have records of these. We therefore continue to object on the grounds of:

- Inadequate consultation
- Overdevelopment
- Overlooking and loss of privacy
- Visual intrusion
- Noise and disturbance resulting from use
- Danger of recurrence of earlier damage to our property including new trees close to house

#### **1. Inadequate consultation**

The previous planning application was objected to in a letter signed by 7 immediately affected neighbours of Kingsmead and yet once again the notification of an amended scheme has only been sent to 4 consultees, missing out the owner of the rear paddock who has the longest boundary directly adjacent the property.

#### **2. Overdevelopment**

The scale of the extensions amounts to an 85% increase in size of the original property and is grossly disproportionate to the neighbouring properties, the ethos of the conservation area, and the character of a small village in the green belt, having already built a large detached bungalow in the back garden as well.

The house is going to be the same size as in the previous application which was refused because it was agreed and stated by the Development Control Committee that “the cumulative impact of the proposed extensions by reason of their bulk and scale would constitute overdevelopment of the site and result in a dominating form of development when viewed from the wider area. This would fail to preserve or enhance the character and appearance of the Chipperfield conservation area and designated small village located in the Green Belt contrary to policies CS6, CS11, CS12 and CS27 of the Core Strategy (2013), saved appendix 7 and policy 120 of the Local Plan (1991) and the NPPF (2012).”

The amended plan has not altered the bulk and scale of the house and extension.

### **3. Overlooking and loss of privacy**

As previously explained this is our biggest concern. The south-east extension will come right up to the midpoint of our north-west hedge. There are large vertical windows planned on the 1<sup>st</sup> storey of the extended main body of the house which will directly overlook our whole back garden, patio and rear windows of our dining room, kitchen and 3 bedrooms as well as the rear house and gardens of all our neighbours on our south eastern side. The submitted drawing gives no indication of the degree of intrusion to neighbours.

### **4. Visual intrusion**

Currently Kingsmead is in the centre of a large plot and not within our immediate line of vision at the rear of our house. However by extending the south-east side of Kingsmead right up to our north-west hedge the property will intrude substantially into our direct line of vision from the back of the house and come well within a 45 degree angle from the any of our back windows or doors. It will become a dominant feature towering over our back garden.

### **5. Noise and disturbance resulting from use**

Clearly bringing the whole body of the house, sitting room and a large new kitchen extension, which are main living areas in frequent use, right up to the side of our back garden will bring with it considerable extra noise and disturbance. As a retired couple living on our own in a quiet village environment we are anxious to be protected against this.

### **6. Danger of recurrence of earlier damage to our property**

Along our north-west border the previous owner had planted a row of tall beech trees, the roots of which caused substantial subsidence to our property. Structural engineers

had to reinforce our house on two occasions with several months work and the neighbour was required by his insurance company to have the beech trees removed. We are concerned that digging foundations close to the same area will cause a recurrence of this problem. The plans describe the planting of new trees for screening in exactly the same position from which the beech trees had to be removed. In addition the main feature half way down our back garden is an impressive 25-yr-old copper beech tree by the north-west hedge. In extending Kingsmead right up this hedge the builders will be cutting through the roots of our tree and likely to kill it. It is well within falling distance of the new build as indicated on the planning application form. We will require legal indemnity from the applicants against all these potential dangers to our property.

Whilst downgrading of the car port has helped ameliorate the loss of light to the north-west neighbours at Old Cottage nothing in the current amended application has been done to reduce the main building size or address our continuing concerns and resultant objections.”

## **Considerations**

### Principle of Development

The application site is located within a selected small village in the Green Belt, where in accordance with policy CS6 of the Core Strategy the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension’s character and appearance on the existing dwelling house, surrounding conservation area and impact upon the residential amenity of neighbouring properties.

### Effect on Appearance of the Conservation Area and Existing Building

Saved appendix 7 of the Dacorum Local Plan (1991), 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 (1991) 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.

In accordance with the submitted application the proposed extensions and associated alterations would comprise of facing brickwork walls to be part painted in white render, powder aluminium windows and doors and plain roof tiles. These materials are

considered acceptable and in-keeping with the existing dwellinghouse; complying with policies CS12 of the Core Strategy (2013) and saved policy 120 of the Local Plan (1991).

Due to the sensitive location of the dwelling house, a DBC Conservation Officer was informally consulted on the proposal during a weekly Conservation Surgery and provided the following comments:

*“The dormers have now been omitted from the rear roof slope and otherwise the design and scale of extension is similar to that previously proposed - which James Moir considered acceptable. I note the car port has now been omitted from the proposals, reducing the bulk of development on site; no objection.”*

The proposed extensions and alterations would retain the character of the original property. The existing front gable feature would be replicated within the proposed two storey side extension, and respect is paid to existing front and rear build lines and roof form.

The dwelling house is marginally visible from the street scene due to its situ within the site and existing front boundary treatment. Similarly, the immediate street scene contains no uniformed architectural style of property and as a result no objections are raised in regards to the design of the proposed alterations to the dwelling house.

As a result the proposal is not considered to have an adverse impact upon the character and appearance of existing dwellinghouse or Chipperfield Conservation Area. The proposal is therefore in accordance with saved appendix 7 and policy 120 of the Dacorum Local Plan (1991), policies CS11, CS12 and CS27 of the Core Strategy (2013) and the NPPF (2012).

#### Effect on Amenity of Neighbours

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

Due to the further forward build lines of neighbouring properties, Corner Cottage and The Old Cottage the proposed single storey rear extension would not result in loss of outlook, daylight or privacy to neighbouring properties. Similarly, the rear extension would be located 38 meters (approximately) away from neighbouring properties, Rivendell and Noh-I-Nor, located adjacent to the site.

The proposed two storey side extension would respect the front build line of the parent property and maintain the existing 15 metre (approximate) separation distance to the

rear elevation of Corner Cottage.

Concerns have been raised in regards to loss of privacy and overlooking which may result from the two storey side extension. In order to mitigate such an externality from occurring, a condition for obscure glazed first floor windows has been attached to the grant permission.

As a result the proposal in regards to residential amenity is acceptable in terms of the NPPF (2012), saved appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

#### Impact on Car Parking Provision

The Council's Parking Standards outlined within saved appendix 5 of the Local Plan (1991) 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 four to six, which would not require an increase in parking provision. Furthermore, the off street parking provision is sufficient to accommodate at least four domestic cars. 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 (1991).

#### Consultation Response

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

*Overdevelopment in the Greenbelt-* The application site is located within a designated small village in the Greenbelt and therefore household extensions are acceptable in principle with no size restriction.

*Visual intrusion and loss of light to neighbouring residents-* this has been addressed within the residential amenity section above.

*Additional windows proposed resulting in loss of privacy-* The additional windows proposed are located on the ground floor of the south-east two storey side extension. These would not result in a loss of privacy to adjacent properties due to a 38 metre (approximate) separation distance and heavy boundary treatment which would rise above window height. No additional windows are proposed to the north-west elevation.

*Structural problems caused by planting of new trees-* Trees and Woodlands were consulted on the proposal and outlined that structural damage to both trees and neighbouring properties as a result of additional tree planting would be highly unlikely. Nonetheless, to ensure no damage occurs a condition detailing tree species and size has been imposed.

*Installation of noisy gravel driveway-* Under Class F of the General Permitted Development Order the resurfacing of driveways with a permeable material does not require planning permission.

*Future planning applications which may come into fruition-* Only the application put forward can be considered and assessed against planning policy; it would be unreasonable to speculate and determine this application with regards to what might be put forward in the future.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development and conservation area, in accordance with policies CS12 and CS27 of the Core Strategy (2013) and saved policy 120 of the Local Plan (1991).

- 3 The windows at first floor level in the South-East elevation of the side extension hereby permitted shall be permanently fitted with obscured glass.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings; in accordance with policy CS12 of the Core Strategy and saved appendix 3 of the Local Plan (1991).

- 4 No works shall take place until full details of the tree species and size of all proposed tree planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the residential amenity of neighbouring properties, in accordance with policy CS12 of the Core Strategy (2013).

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

**05 Rev G**  
**06 Rev G**

**01 Rev E**

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



# Agenda Item 6

## A. LODGED

- 4/00118/16/RET DOLLMAN  
RETENTION OF AMENITY LAND AS RESIDENTIAL GARDEN  
1 CHEVERELLS CLOSE, MARKYATE, ST ALBANS, AL3 8RJ
- 4/00538/16/FHA Mr S Thomas  
GROUND FLOOR SIDE EXTENSION  
8A THE GREEN, POTTEN END, BERKHAMSTED, HP4 2QH
- 4/00544/16/FHA MRS DUNCAN  
TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION, NEW CAR  
PORT AND ALTERATIONS TO APPEARANCE OF THE HOUSE  
KINGSMEAD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EN
- 4/00645/16/FUL RiverGate Homes Ltd and Paul and Elizabeth Rooksby  
CONSTRUCTION OF 4 DWELLINGS AND ASSOCIATED PARKING AND  
LANDSCAPING.  
LAND ADJ. TO 26, STATION ROAD, BERKHAMSTED, HP4 2EY
- 4/00689/16/FHA Mr Kilich  
TWO STOREY FRONT EXTENSION, TWO STOREY REAR EXTENSION  
AND ALTERATIONS TO ROOF TO CREATE A THIRD FLOOR INCLUDING  
TWO FRONT AND TWO REAR DORMER WINDOWS, AND THREE ROOF  
LIGHTS TO EACH SIDE ELEVATION  
BRIARS ORCHARD, SHOOTERSWAY LANE, BERKHAMSTED, HP4 3NW
- 4/02187/15/FUL CASH  
CHANGE OF USE OF LAND TO A RESIDENTIAL CARAVAN SITE FOR 8  
GYPSY FAMILIES - EACH WITH TWO CARAVANS WITH CONSTRUCTION  
OF A UTILITY BUILDING AND ASSOCIATED HARD STANDING.  
LAND WEST OF THE BOBSLEIGH HOTEL, HEMPSTEAD ROAD,  
BOVINGDON, HEMEL HEMPSTEAD, HP3
- 4/02690/15/FUL E L MORGAN  
CHANGES TO FLAT ROOF TO FORM SUNKEN TERRACE AND NEW  
DOORS TO REPLACE EXISTING WINDOW TO BEDROOM  
313A HIGH STREET, BERKHAMSTED, HP4 1AL
- 4/03999/15/FUL Mitchell  
CONSTRUCTION OF TWO-STOREY 2-BEDROOM HOUSE ON LAND  
ADJACENT TO THREEFIELDS.  
SITE ADJACENT THREEFIELDS, SHEETHANGER LANE, FELDEN, HEMEL  
HEMPSTEAD, HP3 0BJ

4/04024/15/FUL

GFL Management & Wyevale GC  
CHANGE OF USE OF PART OF EXISTING EXTERNAL STORAGE/CAR  
PARKING AREA (A1) TO CAR WASH AND VALET SERVICE, INSTALLATION  
OF DOUBLE CANOPY, WASH SCREEN, CABINS FOR OFFICE/REST  
ROOM, SECURE STORAGE, PERGOLA, LANDSCAPING AND FENCES  
CHIPPERFIELD HOME & GARDEN CENTRE, TOWER HILL,  
CHIPPERFIELD, KINGS LANGLEY, WD4 9LH

**B. WITHDRAWN**

None

**C. FORTHCOMING INQUIRIES**

4/00488/16/ENA

MR A MATHERS  
APPEAL AGAINST ENFORCEMENT NOTICE, CONVERSION OF ONE  
DWELLINGHOUSE TO SEVEN FLATS  
1 AIREDALE, HEMEL HEMPSTEAD, HP2 5TP

4/02187/15/FUL

CASH  
CHANGE OF USE OF LAND TO A RESIDENTIAL CARAVAN SITE FOR 8  
GYPSY FAMILIES - EACH WITH TWO CARAVANS WITH CONSTRUCTION  
OF A UTILITY BUILDING AND ASSOCIATED HARD STANDING.  
LAND WEST OF THE BOBSLEIGH HOTEL, HEMPSTEAD ROAD,  
BOVINGDON, HEMEL HEMPSTEAD, HP3

**D. FORTHCOMING HEARINGS**

4/01123/15/FUL

Smyth  
CONVERSION OF AN EXISTING STABLES TO FORM A SINGLE FOUR  
BEDROOM HOUSE WITH GARAGE AND WORKSHOP (REVISED SCHEME).  
FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3  
0PW

**E. DISMISSED**

4/01679/15/MOA

E. J Waterhouse & Sons Ltd  
PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 25 HOUSES (4 X  
4 BED 10 X 3 BED AND 11 X 2 BED) WITH GARAGING, PARKING AND NEW  
ESTATE ROAD - OUTLINE APPLICATION WITH ALL MATTERS RESERVED  
EXCEPT LAYOUT AND ACCESS.  
LAND R/O 71 - 87A AND, 89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1

Dismissed appeal on grounds of overdevelopment following committee overturn. I have to say I wasn't expecting the highway reason to be supported by the Inspector, although felt more comfortable about the

cramped / overdevelopment argument.

The Inspector gave little weight to the extant allowed appeal in 2013 on the site for 13 dwellings as it covered less than half the site, included flats, was further from the western boundary and the overall coverage appears less dense with a more spacious relationship with the allotments and housing on Sunnyhill Rd.

The Inspector considered that the current appeal proposal would have front and rear gardens of limited depth, with only four dwellings having a footway between their frontage and the access road, and seven dwellings lacking vehicular hardstanding beside the dwellings themselves. These factors indicated overdevelopment. The Inspector felt that the short lines of terraces stepping up the slope, across the valley, with separate garage blocks was piecemeal and would not reflect the prevailing grain of development, and would disrupt views along the valley. As such it would appear cramped and fail to relate to the more spacious context of the existing gardens. She concurred with the Council that a lower density was appropriate.

Although noting few trees are worthy of particular retention, the Inspector felt that the scrubby hedgelines do contribute to the area's verdant character and, despite that Tree Officer's view that the tree planting locations are acceptable, she agreed with the Council that the limited garden depths on the western boundary would put retained and new tree planting under pressure from occupiers wishing to minimise shading. This pressure would not be relieved by the plots widths of 8-10 m whilst the line of the dwellings would cause shading from the east, adding to pressure to remove obstacles to direct sunlight. It was also noted that the layout plan shows the tree canopies at a significantly reduced size and the RPAs impractically close to some dwellings. In addition the limited frontages would limit areas for new tree planting. Accordingly the verdant nature of the site would be significantly affected and represent overdevelopment.

The Inspector gave the argument that the proposal would represent optimal development little weight as the relevant policies (21) and NPPF (58) also say that development should not be permitted where the amenity or character of the area would be harmed.

In terms of the highway reason, the Inspector noted that the effects of the development on the efficient and safe operation of the highway would be the potential increase in vehicle movements along Sunnyhill and Melsted Roads, (which the engineers report states would be approximately double that of the extant permission), and the demand for on-street parking. She noted that the Inspector on the 2013 appeal found no harm in respect of the capacity of the new junction or vehicular and pedestrian safety. However, notwithstanding that there is no objection from the highways authority with regard to network capacity, she appreciated the concerns of residents that even a modest increase in traffic volume along Sunnyhill Road would increase congestion at times when there is only one running lane. She gave some weight to the fact that there is a significant history of non-personal injury, vehicle to vehicle, significant enough to report to the police. The Inspector also noted that there would be a small deficit of parking provision (56 shown but 59 required) and that the tandem parking layout for most plots would mean it was impractical and inconvenient to park both vehicles within the curtilages. Therefore she was not persuaded that there would not be an increased demand for on-street parking in Sunnyhill Road, whilst the increased traffic would be likely to cause increased congestion during peak times. Whilst not sufficient in themselves to warrant dismissal, they supported her overall concerns about overdevelopment.

4/02263/15/ENA

HAMBERLINS FARM - MR G EAMES  
APPEAL AGAINST ENFORCEMENT NOTICE  
LAND AT HAMBERLINS FARM, HAMBERLINS LANE, NORTHCHURCH,  
BERKHAMSTED, HP4 3TD

This appeal related to the use of an agricultural field as a construction/vehicle/materials storage yard with a large bund having been constructed around it. The site is located within the Green Belt and the Chilterns AONB. The storage yard had increased over a number of years from a very small area (Stage 1), to the interim point (Stage 2), and then to its current large size (Stage 3). The appellant withdrew the Ground (a) appeal very late in the appeal process and the Council has been awarded its Costs in its wasted resources defending this appeal. The appellant also conceded that the Stage 3 land took place in 2014, and as such conceded that the earth bund was not immune from enforcement of action through the passage of time, but argued that the Stage 2 area had existed for more than 10 years prior to the serving of the Enforcement Notice. However, the Inspector gave greater weight to the Council's aerial photo of July 2006

(within the 10 year period) than to the appellant's witnesses whose 'personal recollections are subject to error'. As such the appeal was dismissed and the Enforcement Notice takes effect with some corrections in the interest of clarity.

4/02925/15/FUL

Mr M Patel  
PROPOSED DEMOLITION OF GARAGES AND CONSTRUCTION OF TWO  
BEDROOM DWELLING  
LAND REAR OF 100 HIGH STREET, TRING, HP23 4AF

The Inspector acknowledged that principle of a dwelling is not in dispute, that the proposal would provide acceptable parking provision and would have no harmful effect on the living conditions of adjoining occupiers. However, this does not outweigh the considerable weight that I give to the failure to preserve or enhance the character and appearance of the TCA.

## **F. ALLOWED**

4/02278/15/FHA

Williams  
BOUNDARY FENCING AND ASSOCIATED LANDSCAPING  
6 KILN CLOSE, POTTEN END, BERKHAMSTED, HP4 2PX

### Summary

### Main Issue

The effect of the development on the character and appearance of the area and street scene.

### Reasons

Much of the main cul-de-sac is characterized by open frontages, with several front gardens containing low level fencing, hedging and other semi mature planting. However, almost opposite the appeal site, the tall side gable of No.10 stands exposed close to the highway edge. Next to the gable, directly opposite the appeal site along the rear garden of No.10, a dark stained close boarded fence, around 1.8m high with low scrubs and planting, is situated about 1.0m from the highway boundary. Together these features dominate the immediate street scene.

The current fence replaces a previous, older fence that was reported to have been damaged following the removal of a tree. From the appellant's statement and those received from some of the third parties, it would appear that the original fence, although set back further from the highway, had been in position for some time and as such had become part of the established character and appearance of the area.

The final form and overall height of the boundary, as proposed, will not appear dissimilar to that previously in place on this boundary. The proposal to relocate and set back the fence by about 1m from the highway (1.5m at the corners) and introduce some planting in front will help to soften the impact of the fencing on the street scene, as seen directly opposite.

The appeal fence will match and join with the existing 1.8m high fencing that extends along the side boundaries of the garden to No. 6. Whilst this fencing forms the side boundaries, it is clearly evident in views from both directions along the road and as such contributes to the street scene. This fencing and other fencing in the immediate vicinity of the site, shows that timber fencing does not represent a wholly uncharacteristic feature within the immediate area. As a result, this gives the appeal site's surroundings a more distinctive character which differs from that experienced further along the more verdant main cul-de-sac.

### Conclusion

The above considerations lead me to conclude that the replacement fencing would not have an adverse

effect on the character and appearance of the area, nor the street scene. Therefore, I find no conflict with Policies CS6, CS11 and CS12 of the Dacorum Core Strategy (2013), which seeks to ensure that new development is well designed and integrated with the existing properties and the surrounding area and, does not adversely affect the character and quality of the street scene and surrounding area. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Conditions:

The development hereby permitted shall be carried out in accordance with the approved plans: 6KC-01 (A), 6KC-02 (A) 6KC-03 (A) and 6KC-04 (A).

Within 3 months of the date of this decision the current fencing shall be removed and repositioned in accordance with the approved plans set out in condition 1 above.

The development hereby permitted shall be constructed in the materials specified in the approved plans set out in condition 1 above.

4/03729/15/FHA

Mr & Mrs Brinklow  
TWO STOREY FRONT AND REAR EXTENSIONS  
6 THE BEECHES, TRING, HP23 5NP

The proposal was for the erection of two storey front and rear extensions at 6 The Beeches, Tring.

The main issues are the effect of the proposal on the character and appearance of the street scene and on the living conditions of residents of nos. 5 and 7 The Beeches in respect of outlook.

Street scene:

The additional mass from the proposed front infill and roof extensions would appear proportionate to the existing dwelling, and not out of place in respect of adjacent dwellings and the street scene. The increase at the rear and sides would not be prominent from views within the street and, in any event would not appear out of place in a street of moderate to large sized houses.

Impact on amenity of neighbours:

In respect of no. 5, there is an existing wide gap at first floor level between the 2 dwellings with no. 6's driveway and no. 7's side garage in between. The proposed increase in 2-storey built form at the front and rear of no. 6 would maintain the separation between the 2 dwellings. There would therefore be no overbearing impact on the residents of no. 5.

In respect of no. 7, the 2 dwellings are closer together and the gap narrower than with no. 5. At the rear, on the boundary, the existing single storey utility extension close to a rear window at no. 7 would be removed. The proposed 2-storey extension would be offset from the boundary by about 1.5m maintaining the gap between the gable walls of the 2 dwellings. The extensions would project rearwards for about 5m at ground floor level, and about 4.1m at first floor.

Whilst there would be new building close to the rear of no. 7, I am mindful that the proposal meets the commonly used 45 degree guideline taken from the centre of the nearest ground floor and first floor windows at no. 7. The guideline gives an indication of the line of sight from rear windows and whether there would be an overbearing aspect. Taking into account the size of the proposed rear projection and the separation from the boundary, I find that the effect on outlook would not be so significant that there would be material harm to residents' living conditions.