

**4/00726/17/FUL - TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME).  
LAND R/O 76-78, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9PP.  
APPLICANT: MR N. WINGROVE.**

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[Case Officer - Rachel Marber]

## **Summary**

The principle of residential development in this area is considered acceptable in accordance with policies CS1, CS4, CS17 of the Core Strategy (2013), the National Planning Policy Framework (NPPF) (2012) and Saved Policy 10 of the Local Plan (2004). The proposal has also been assessed in terms of its impact on the character of the area, on the living conditions of the occupants of surrounding units and on other relevant material considerations. It is considered that the proposal would be acceptable in these regard as it would not be overtly visible from the street scene, nor would it result in detrimental impact to neighbouring residential amenity or key landscape trees. Further, Hertfordshire County Council Highways Department consider the marginal intensification of existing site access to not have an unreasonable impact on the safety and operation of the adjacent highway. As such, the proposed 2x three bed units would comply with Policies CS1, CS4, CS10, CS11, CS13 and CS17 of the Core Strategy (2013), the NPPF (2012) and Saved Policies 10, 18, 21, 99 and 100 and Saved Appendixes 3 and 5 of the Local Plan (2004).

## **Site Description**

The application site relates to former rear garden land of houses Nos. 76 and 78 Belswains Lane. The site is accessible via an existing site entry between these two properties. The site adjoins the rear gardens of the three storey townhouses at Nos. 203 – 211 Ebbens Road towards the south, and rear gardens of property Nos. 74 – 78 Belswains Lane to the north-west. The eastern side of the site runs parallel to a narrow public footpath immediately fronting 1 and 2 Belswains Cottages. The land slopes downwards towards Ebbens Road, at the rear.

Belswains Lane is characterised by a mix of detached and semi-detached properties of varying building line, size and architectural detailing. Ebbens Road comprises predominantly of three storey terraced town houses. The overall character of the immediate area is varied.

## **Proposal**

The application seeks permission for an amended scheme to construct two detached 3 bed dwellinghouses. The scheme has been amended since the refusal in 2016 (4/03037/16/FUL) with the following alterations made:

1. Removal of double garages;
2. Reposting of dwelling placement, to create further separation distances between properties at Belswains Cottages and Ebbens Road; and
3. Amended layout to car parking provision in order to accommodate for root protection areas of adjacent trees.

Amendment 1 would increase separation distances to Belswains Cottages by approximately 8 metres and would in-turn half the amount of overall built form across the site, thereby addressing the following reasons for refusal:

1. The two proposed units by virtue of combined width and depth in relation to insufficient external amenity space and proximity to the boundaries of the site would result in an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area.
2. The proposed height of the two new dwellings in conjunction with land levels and close proximity to the southern site boundary would severely detriment the residential outlook, privacy and daylight serving neighbouring residents at Nos. 1 and 2 Belswains Cottages...
3. It is also noted that if the new dwelling was constructed, uncertainties would arise in regards to the practical welfare of future occupants of the dwellinghouse due to severe overshadowing and loss of light which would be cast on the dwelling and rear amenity space as a result of the surrounding trees. This in turn would place undue pressure to fell the adjacent trees in the future.

The repositioning of the proposed dwellings' placement would result in larger separation distances between the proposed units and properties at Ebberns Road and would in-turn increase the size of external amenity space serving Unit 2 to 11.2 metres. This amendment would therefore overcome the following reasons for refusal:

1. The two proposed units by virtue of combined width and depth in relation to insufficient external amenity space.
2. The proposed height of the two new dwellings in conjunction with land levels and close proximity to the southern site boundary would severely detriment the residential outlook, privacy and daylight serving neighbouring residents at Nos. 1 and 2 Belswains Cottages and Nos. 203- 211 Ebberns Road. The application would therefore fail to secure good standards of amenity for existing and future occupiers of land and buildings, contrary to policy CS12 of the Core Strategy (2013) and saved appendices 3 and 7 of the Local Plan (2004).

Amendment 3 to car parking layout would accommodate for the required 8.5 metre root protection zone around what are labelled the "pine and cherry" tree. This would remove the third reason for refusal as below:

3. The close proximity of the proposed unit to the northern western site boundary would result in damage to the root protection zones of both the neighbouring pine and cherry tree. It is also noted that if the new dwelling was constructed, uncertainties would arise in regards to the practical welfare of future occupants of the dwellinghouse due to severe overshadowing and loss of light which would be cast on the dwelling and rear amenity space as a result of the surrounding trees. This in turn would place undue pressure to fell the adjacent trees in the future. The proposal is therefore considered to adversely affect the landscape character of the site and surrounding area by placing undue harm on the adjacent trees; failing to adhere with policy CS12 of the Core Strategy (2013) and saved polices 99, 100, 101 of the Dacorum Local Plan (2004).

It therefore stands that the only reason for refusal outstanding is Highways reason 4:

4. The proposed intensification of the site access with insufficient forward visibility would

give rise to increased risk of collision and shall be prejudicial to highway safety. The proposal therefore fails to provide a safe and satisfactory means of access for all users, as required within policies CS8 and CS12 of the Core Strategy (2013).

Hertfordshire County Council Highways have re-assessed the planning application and concluded that insufficient balancing and weighing of factors contributed to the refusal reason of the issued in respect of the previous application and have henceforth retracted their objections; this is discussed further below.

### **Referral to Committee**

The application is referred to the Development Control Committee due to a call in from Cllr Howard on grounds of highway safety and over-development.

### **Planning History**

4/03037/16/FUL TWO THREE BED DETACHED DWELLINGS WITH TWIN GARAGES  
Refused  
03/01/2017

4/01921/11/FUL TWO DETACHED RETIREMENT BUNGALOWS (AMENDED SCHEME)  
Granted  
18/09/2012

4/00716/11/FUL TWO DETACHED RETIREMENT BUNGALOWS  
Withdrawn  
24/06/2011

4/01093/10/OUT FIVE ONE-BED DWELLINGS  
Refused  
21/10/2010

4/02066/01/OUT CONSTRUCTION OF DETACHED HOUSE AND GARAGE WITH  
VEHICULAR ACCESS  
Granted  
14/06/2002

4/01766/90/FUL FOUR DETACHED DWELLINGS AND ACCESS ROAD  
Withdrawn  
14/01/1991

### **Policies**

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

### Adopted Core Strategy (2013)

CS1- Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS29 - Sustainable Design and Construction

### Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land  
Policy 18 - The Size of New Dwellings  
Policy 21 - Density of Residential Development  
Policy 51 - Development and Transport Impacts  
Policy 58 - Private Parking Provision  
Policy 99 - Preservation of Trees, Hedgerows and Woodlands  
Policy 100 - Tree and Woodland Planting  
Appendix 3 - Gardens and Amenity Space  
Appendix 5 - Parking Provision

### Supplementary Planning Guidance (2004)

Belswains Lane (HCA18)

### **Constraints**

Established residential area of Hemel Hempstead

### **Summary of Representations**

### **Comments received from consultees:**

#### Contaminated Land

The site is located within the vicinity of potentially contaminative former land uses. As such, consideration should be made to the potential for contamination to affect the development. Therefore I recommend that the contamination conditions be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

Information submitted in respect of previous application(s) indicates that a site investigation has been performed on the site that has identified no significant contamination. I would request that this report be submitted to the Council for approval. If this provides a satisfactory land contamination assessment, then the condition may not be required.

## Strategic Planning

### **No Comment**

## Herts Property Services

### **No Comment**

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 3 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

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

## Building Control

Please detail your proposals for access and facilities for the fire and rescue service vehicles (including access route specifications, road width, road capacity, etc.) in accordance with the requirements of Approved Document B Part B5, Section 11 and Table 8. There should be vehicle access for a pumped appliance to all proposed dwellings to within 45M of all points within each of the dwellings. Turning facilities will be required to any dead end route more than 20M.

## Rights of Way Officer

The application site abuts Hemel Hempstead public footpath 71. There is to be no access, other than pedestrian, on to the footpath.

Depending on the species chosen, the planting of conifers abutting the public footpath will create a shady, dark area on the footpath which may discourage pedestrian use. It is likely to cause management issues too unless the owners keep them trimmed back to their boundary. Adequate space should be left between the boundary to allow the trees to grow without obstructing the path, suggest minimum of 2m.

## Crime Prevention Officer

1. Physical security: I would like to raise concerns over the lack of definition around boundary treatments, 60% of burglaries occur with access being obtained from the rear of the property.
2. Alleyway at side: The drawings do not specify the width of the Alleyway to the side of the house, or any lighting provision. The concerns raised relating to the Alleyway submitted for the previous application 4/03037/16/FUL still stand.

"There is an alleyway at the side of the proposed development, which is already has a sense of enclosure from dwellings already at the side of the alleyway. The proposed

development will add to that sense of enclosure of the alleyway, and may make users have a sense of a fear of crime. I accept that the nearest proposed dwelling to the alleyway has a gable end window overlooking the alleyway, but the proposed new dwellings height will still create a sense of enclosure.”.

## HCC Highways

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

1) Prior to the first occupation of the development hereby permitted the proposed on-site car and cycle parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.

2) Prior to the first occupation of the development hereby permitted 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: Reason: In the interests of highway safety.

3) Prior to commencement, revised plans showing areas for parking and turning suitable for a private vehicle, shall be submitted for approval in writing to the LPA in consultation with the Highway Authority and such parking provided prior to occupation and retained for that sole purpose thereafter.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.

I recommend inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

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

AN3) 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> by telephoning 0300 1234047.

Comments:

HCC provided comments in respect of this site previously, district reference 4/03037/16/FUL, my comments 20/12/16 refer. At such time, the Highway Authority recommendation for refusal was of refusal, given concerns over safety from the access. Subsequent to this the Highway Authority has undertaken discussions with the developer of the site, including meeting on site and provision of additional detail.

Highways concerns relate to visibility from the access, and in particular responded to concerns that the applicant had failed to consider earlier pre-application advice.

Belswains Lane is a classified C road, providing a local access function within the road hierarchy. The Highway Authority consider, on the basis of speed survey (October 2015), that 85% speeds are 30.6mph southeast bound and 32.7mph northwest bound.

The Highway Authority has had sight of evidence from the applicant that there exists proper and legal control by the applicant in respect of splays across lands fronting 76 and 78 Belswains Lane.

Attendance on site identifies that visibility from the access, is such that vehicles emerging are able to adequately see vehicles approaching from both directions. Whilst visibility to the west is constrained slightly beneath the limits set within MfS it is necessary to observe that the nature of Belswains Lane is such that it is not anticipated that oncoming vehicles would do so in the conflicting lane, despite there being no physical intervention to stop this occurring. A review of accidents local to the site identifies one serious severity accident immediately adjacent to the site (25/7/2015) however review of the details of the accident identify that the contributory factors are not a material factor in considering the safety of the access.

Parking at a level of two vehicles per dwelling is proposed, and space exists within the site sufficient that vehicles would reasonably be able to emerge onto Belswains Lane in forward gear, affording best visibility to drivers emerging from the site. Such an arrangement is at odds to the majority of local housing stock, requiring vehicles to either reverse in / out of forecourt parking, many with greatly constrained visibility over development proposals, without evidence that this activity is prejudicial to highway safety.

It is also appropriate to note that previous applications for this site include a similar level of development, but limited to retirement dwellings only, with such a scheme acceptable to the Highway Authority, but permission now expired. As previous comments, it is necessary to identify that such earlier consent was made before the introduction of the NPPF, however whilst it is accepted that the removal of restrictions on ownership may increase trips (primarily in the peaks), the quantum of development is sufficiently low that I do not consider that any impacts would be severe.

On balance, the development proposals represent an improvement over the existing situation (with vehicles using the access to the site as informal parking, being required to reverse from the site) and with greater levels of visibility than adjacent dwellings. The applicant has demonstrated to the Highway Authority that civil arrangements have been made to secure and maintain the visibility splays in perpetuity, and therefore I consider that any potential departure from visibility splays as defined in Manual for Streets would not be out of context given the local

environment and unlikely to be prejudicial to pedestrian / vehicle safety.

It is also noted that the D&A cites refuse bins shall be stored outside of the respective new dwellings. Such positioning shall result in bins being 37m from point of collection, above the maximum recommended carry distance. It is recognised however that given the width of the access as 4.1m (sufficient to accommodate 2 way flow) and mindful that vehicle usage will be reasonably low, on collection day, bins might be located to a position within the driveway within this carry distance, without undue detriment to vehicular access to the site. Access width is sufficient to enable operating space around an emergency vehicle parked within the access, such that it can get to within 45m of all points of the dwellings.

On behalf of the Highway Authority I am satisfied that the applicant has secured appropriate controls to provide maximised visibility splays, and do not consider that sufficient grounds exist to refuse the access given local speeds, hierarchy, visibility and safety records. I therefore present no objection to the proposal, subject to the above conditions.

### Environmental Health

I do not wish to object to this development on environmental health grounds but I would recommend the conditions below be applied to the construction phase if this application is approved:

(1) Building work and all related activities on the site, including deliveries and collections shall only take place between 7-30 am and 6-30 pm on weekdays (Monday to Saturday inclusive) and no work shall take place on site on Sundays or Bank Holidays.

(2) No waste material, wood or other material shall be burnt on site at any time.

### DBC Trees and Woodlands

#### **Objection**

I can't recommend approval due to the probable effect on trees in adjacent property.

The image directly below, copied from NB-247 22/05/17, shows a mass of parking spaces on the western boundary, overhung by what are called a 'Pine' and 'Cherry'.

In the approximate same image from a previous plan, NB-247 (undated), two parking spaces are shown on the same boundary, one in-line with the dwelling wall, the other offset.

It has been stated in relation to a similar previous scheme by an Officer of Trees & Woodlands that a root protection area (RPA) of 8.5 metres diameter is established around the 'Pine', actually a Cedar, and that development within it is restricted.

I would agree that the Cedar is aesthetically significant within the local area and that excavation within the RPA should not be approved. The majority of parking spaces in both above plans detrimentally impact upon the RPA.

It might be acceptable to install parking spaces within the RPA if the parking surface was to be raised significantly and constructed using a 'no dig' design. Details should be submitted for further assessment. If a 'no dig' methodology is not proposed, I would recommend that parking

spaces are moved away from the RPAs of the Cherry and Cedar entirely.

The positions of both proposed dwellings do not impact upon trees.

The RPAs of the Cherry and Cedar should be protected using measures (fencing or ground boards) to minimise potential damage, from general construction activity, to tree roots and surrounding soil. Again, details should be submitted for assessment.

### **Comments received from local residents:**

#### 213 Ebberns Road

##### **Objection**

Entry to and exit from the land is on a bend and is dangerous. To make things worse cars in Belswains Lane park half on and half off the pavement in this area making visibility even worse. In my opinion this is an accident waiting to happen.

#### 309 Ebberns Road

##### **Objection**

Please see below objections to the proposed redevelopment of garden space to rear of 76-78 Belswains Lane ref 4/00726/17/FUL

1/ Work has already begun: On the application form the applicant states current use is gardens. This space has not resembled or been usable as a garden since the small digger and stacks of brick arrived. The Applicant also claims on the form that work has not begun on site. Since planning permission was refused on application 4/03037/16/FUL there has been regular groundwork carried out on site, as brought to Dacorum Planning's attention on April 7th 2017, shortly before this notice was issued. The improvements to the access slope, presence of digging equipment, pipe laying etc would suggest "yes" is the more accurate answer.

2/ Accuracy of plans: Last site plan 4/03037/16/FUL shows distance from rear of 78 Belswains Lane to 211 Ebberns Road as 49m (24m+6m+19m). The rejection notes from Planning noted cramped position of buildings and no adherence to minimum of 23m between new development and existing homes. With space clearly an issue previously, on this revised plan the site distance has now increased to 50m (22m+6m+22m). If a house is to be built with a 23m gap between 78 Belswains Lane and 211 Ebberns Road the dwelling should be 4m wide, not 6, based on these plans.

The site plans still omits the distance to 209 Ebberns Road (approx 18m). This is the closest property to the western plot, and the proximity – and fact that the distance was left off the plan – was objected too last year for application 4/03037/16/FUL. It is not clear in either application why this distance is not considered relevant to the application.

Scale of Development: In several directions the distance around the proposed new houses and existing homes is less than requisite 23m, a distance defined "in order to preserve neighbouring resident's outlook and privacy. The previous council ruling noted "an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As

a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area". This does not appear to have changed in any way.

Future of trees : concerned that the observations of the expert on the last application, and the potential loss of the sycamore in the south western section adjacent to 209

Access: In light of the serious accident logged (25/7/15) there is ongoing concern over safe exit particularly, in either direction, between 78 and 76 due to cars parked along Belswains Lane, regardless of any improvement to visibility splay. Unclear if there is any improvement to this since the last plan and the experts doubts that it was adequate.

Light pollution: Concern over impact of car headlights on Belswains Cottages and backs of Ebbens Road properties

Parking spaces: The application suggests provision of 6 parking spaces, looks like 4, possibly 5. The western property will have cars parked under trees which was noted as a concern on the previous application. Parking is getting worse in this neighbourhood, exacerbated by ongoing development off ex-factory sites into new homes along a long cul-de-sac with no parking controls. The turning head on Ebbens Road is already used as parking with regular overspill onto the narrow public footpath linking Sainsburys and Belswains Lane. Large vehicles regularly struggle to turn round. The loss of parking along Belswains Lane could send local residents along Ebbens Road making the problem worse.

We feel that the plan remains – as the planning decision last time described -an "inappropriate development of residential gardens". The proposal would result in overdevelopment of the site and an over-intensification of built residential form within the immediate area.

### 205 Ebbens Road

#### **Objection**

We agree with all the points raised by the objections already submitted.

The land is not being used as gardens currently and is being used to store building materials and burn materials from other sites. Not only are bricks being stored but other building materials and equipment. A drainage pipe between 76&78 has already been laid and covered.

We also share concerns about the access of vehicles on to and off site due to the proximity to bend in the road even with improved sight lines.

However our principle objection is that the plans for two 3 bedroom dwellings is an overdevelopment of the site which will have if granted an adverse impact on the privacy and loss of light to the neighbouring properties as well as not being in keeping with the surrounding area.

### 203B Ebbens Road

#### **Objection**

### 1. Overlooking/loss of privacy

With two three bedroom dwellings directly behind our property it will be very easy for any future owners/tenants to see directly into our living area and main bedroom. We believe the gap between buildings will not be sufficient to ensure a fair amount of seclusion from neighbouring homes, especially when we can already see into multiple houses already situated on Belswain's Lane.

### 2. Loss of light or overshadowing

Due to the protected trees behind our property, the light that reaches into our property is already quite limited during daylight hours. This will only be impacted further with the addition of two 2-floor properties on the proposed area of land.

### 3. Highway safety

Belswain's Lane is an incredibly high traffic road, and despite it being restricted to 30MPH many drivers do not stick to this. The proposed entrance to Mr N. Wingrove's development will be extremely dangerous as it will not appear to be a proper road/cul-de-sac entrance. Its positioning between two pre-existing houses will make it incredibly hard to spot, turning it into what can only be described as a blind turn. We believe this will cause multiple road accidents in the future.

### 4. Noise and disturbance from use

Despite the distance, noise transference between us and houses opposite on Belswain's Lane is already very clear, we quite often hear parties in people's back gardens and children playing outside. As the 2 proposed properties will be even closer, the surrounding noise and disturbance will only increase – impacting our evenings and weekends.

### 5. Effect on listed conservation area

The land behind our property contains multiple listed trees. We believe that two new dwellings will over time greatly impact the health and look of both the protected cherry tree and Oak tree that resides behind our house. Restricted access and light will impact how both of these fair in the future and the proposed work could damage surrounding roots before the dwellings are even completed.

### 6. Nature conservation

With RSPB's '*The state of the UK's birds 2016*' report highlighting that the endangered red list of birds has grown substantially, with a net increase of 15, from 52 species in 2009 to 67 in 2015, we are concerned at how this building work will impact the surrounding wildlife. We believe it can only end badly and that the proposed work and dwellings will destroy surrounding habitats and potentially reduce the population of any and all surrounding animals, including birds, grey squirrels, hedgehogs and foxes.

211 Ebbens Road

## Objection

The previous application 4/03037/16/FUL for this site was rejected as unacceptable in principle on the following grounds:

1. Excessive size of the units relative to the size of the plot
2. Detrimental effects on the residential outlook, privacy and daylight serving neighbouring residents at Nos. 1 and 2 Belswains Cottages and Nos. 203- 211 Ebbens Road.
3. Damage to trees around the site adversely affecting the landscape character of the site
4. Insufficient forward visibility for the exit onto Belswains lane

As compared to the previous application, the size of the units has been reduced by dispensing with the double garages, and the houses have been moved slightly.

Objection 1 still holds as even without the garages it has not proved possible to position the houses so as to give a distance of more than 23 m to all of the surrounding houses. The proposed development is still excessive for the plot available. It is out of keeping with the area.

Objection 2 above still holds. There is no essential change to the detrimental effects on the amenities of the houses in Ebbens rd.

There is still insufficient distance between the house r/o 78 Belswains lane and 209 - 211 Ebbens rd. Note that the measurements on the new plan are not consistent with those on the previous application 4/03037/16/FUL as the distance between 78 Belswains lane and 211 Ebbens rd seems to have increased by 1 m. (This indicates that the plans need to be checked by an independent authority.) Note that the slope of the land increases the effective height of the new houses relative to the Ebbens Rd houses.

The distance between the house r/o 78 Belswains lane and 209 - 211 Ebbens rd is not specified but is clearly a lot less than 23 m, estimated from the plan as 18 -20 m. The new houses would be within a 45 degree line from the rear windows of 209 - 211 Ebbens rd so a minimum of 23 m should apply.

The distance from the side of the house r/o 78 Belswains lane to 2 Belswains cottages is only 13 m.

Regarding objection 3 above the new parking spaces appear to overlap the root systems of the pine and cherry trees with potential for damage.

Regarding objection 4 the problems with visibility on exiting the site still hold. The exit is on a bend and as others have pointed out there have been a number of accidents in this stretch of road. The plan appears to show only 4 car parking spaces while 6 are claimed on the form. Note that with only 2 parking spaces per house now due to removal of the garages there is no parking on site for visitors, who are likely to park on Belswains lane, potentially obstructing the exit sightlines. (There is little street parking available on Ebbens rd, due to the number of new developments with inadequate parking provision; the turning head and the footpath at the end of Ebbens rd are almost always obstructed by parked cars.)

We would also point out that the site is currently not a garden as claimed in the application but is being used by the builder as a storage and waste facility. Since the previous application was refused there has been significant activity on the site with a pipe being laid, a hard access drive laid, and bricks stored on site. Rubble and waste material from elsewhere has regularly been delivered, stored, and removed in large lorries; bonfires have been lit regularly to dispose of flammable waste including material such as clean cardboard which could and should be recycled. Bonfires have been left unattended while still burning with large flames.

## 2 Belswains Cottages

### **Objection**

We object to the proposed development because the site is not suitable for development, the proposed dwellings are too close to existing houses and the exit onto Belswains Lane does not have sufficient visibility.

The proposed development is a form of backland development. Dacorum Strategic planning have previously stated that it is the Council's view that this is a generally unsatisfactory form of accommodating new housing.

The site lies within a designated Residential Area under Policy CS4: The Towns and Large Villages. Within the HCA18 Belswains character area policy statement it states under the section on Plot Amalgamation:

'Discouraged. Will not normally be permitted, with the exception of the rear garden areas in Belswains Lane that form part of the Two Waters and Apsley Proposal Sites TWA1'.

This site is not within the TWA1 proposal area, so the application should not be permitted.

Appendix 3 of the Dacorum Borough Local Plan states the following with regard to Spacing of Dwellings:

'The minimum distances of 23 m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. This distance may be increased depending on character, level and other factors.'

The house to the rear of 78 Belswains Lane is only 22 m from both 78 Belswains Lane and 211 Ebbens Road. 78 Belswains Lane already has planning permission for a 3.5 m extension, which will reduce the distance to 18.5 m. The distance between the rear of the house behind 76 Belswains Lane and 209 Ebbens Road is only 18 m. This will detriment the residential outlook, privacy and daylight serving neighbouring residents. The fact that it is not possible to position houses on the plot while maintaining the minimum distance further reinforces the unsuitability of the site for development.

The Highways agency recommended that the last application on this site was refused and stated:

"The intensification of an access with insufficient forward visibility shall give rise to increased risk of collision and shall be prejudicial to highway safety."

If this proposal is approved and somebody is killed exiting onto Belswains Lane, who is going to take responsibility for ignoring the Highways agency advice?

Other issues:

The size of the plot is larger on the current plans than it was on the previous application. The distance between 78 Belswains Lane and 211 Ebbens Road has increased from 49 to 50m and the distance between 76 Belswains Lane and 207 Ebbens Road has increased from 52 to 53.8m. This makes it difficult to trust any of the measurements on the current plans.

The site currently looks like a building site with heavy machinery and building materials including enough bricks to build at least one house. In the application it is described as a garden where no development has taken place.

209 Ebbens Road

## **Objection**

Please see below objections to the proposed redevelopment of garden space to rear of 76-78 Belswains Lane ref 4/00726/17/FUL

1/ Work has already begun: On the application form the applicant states current use is gardens. This space has not resembled or been usable as a garden since the small digger and stacks of brick arrived. The Applicant also claims on the form that work has not begun on site. Since planning permission was refused on application 4/03037/16/FUL there has been regular groundwork carried out on site, as brought to Dacorum Planning's attention on April 7th 2017, shortly before this notice was issued. The improvements to the access slope, presence of digging equipment, pipe laying etc would suggest yes is the more accurate answer.

2/ Accuracy of plans: Last site plan 4/03037/16/FUL shows distance from rear of 78 Belswains Lane to 211 Ebbens Road as 49m (24m+6m+19m). The rejection notes from Planning noted cramped position of buildings and no adherence to minimum of 23m between new development and existing homes. With space clearly an issue previously, on this revised plan the site distance has now increased to 50m (22m+6m+22m). If a house is to be built with a 23m gap between 78 Belswains Lane and 211 Ebbens Road the dwelling should be 4m wide, not 6, based on these plans.

The site plans still omits the distance to 209 Ebbens Road (approx 18m). This is the closest property to the western plot, and the proximity and fact that the distance was left off the plan was objected too last year for application 4/03037/16/FUL. It is not clear in either application why this distance is not considered relevant to the application.

Scale of Development: In several directions the distance around the proposed new houses and existing homes is less than requisite 23m, a distance defined in order to preserve neighbouring resident's outlook and privacy. The previous council ruling noted an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area. This does not appear to have

changed in any way.

Future of trees: concerned that the observations of the expert on the last application, and the potential loss of the sycamore in the south western section adjacent to 209

Access: In light of the serious accident logged (25/7/15) there is ongoing concern over safe exit particularly, in either direction, between 78 and 76 due to cars parked along Belswains Lane, regardless of any improvement to visibility splay. Unclear if there is any improvement to this since the last plan and the experts doubts that it was adequate.

Light pollution: Concern over impact of car headlights on Belswains Cottages and backs of Ebbens Road properties

Parking spaces: The application suggests provision of 6 parking spaces, looks like 4, possibly 5. The western property will have cars parked under trees which was noted as a concern on the previous application. Parking is getting worse in this neighbourhood, exacerbated by ongoing development off ex-factory sites into new homes along a long cul-de-sac with no parking controls. The turning head on Ebbens Road is already used as parking with regular overspill onto the narrow public footpath linking Sainsburys and Belswains Lane. Large vehicles regularly struggle to turn round. The loss of parking along Belswains Lane could send local residents along Ebbens Road making the problem worse.

We feel that the plan remains as the planning decision last time described -an inappropriate development of residential gardens. The proposal would result in overdevelopment of the site and an over-intensification of built residential form within the immediate area.

#### 74 Belswains Lane

#### **Objection** (as summarised)

- Removing the double garages from the current design and repositioning the dwellings has not resolved the issue of privacy and daylight serving neighbouring residents at Nos. 1 and 2 Belswains Cottages and Nos. 203 – 211 Ebbens Road. The privacy to Nos. 74 – 78 Belswains Lane is also compromised because the required 23 metre spacing between dwellings (and extensions) and new dwellings is not observed.
- Removing double garages from the current design has reduced the possibility of root damage to the neighbouring pine and cherry tree. However, the applicant proposed to park cars within the 8.5 metre protected root area. The proposed westerly dwelling is also now closer to the Cherry Tree which may place undue pressure to fell the trees in the future.
- No attempt to improve access to required visibility splay. The proposed intensification of the site access with insufficient forward visibility would give rise to increased risk of collision and is prejudicial to highway safety.
- Visibility sight line below the required 2.4m x 43m.
- Who has control of the proposed fence said to be erected on neighbouring property land? Proposed fence would result in a loss of off street parking.
- Have been a number of serious incidents on Belswains Lane road. Serious concern in regards to Highway safety.

- Applicant has not control in implemented the required 2.4 m x 43m visibility line of site. Inspectors appeal for application in 1989 outlined that “there is no evidence that the land between the new fence and the highway is now under your control. If the electricity board should decide to erect anything on it, visibility to the south could be reduced to a similar unacceptable distance as that to the north.”
- Proposed units do not meet the required 23 metre separation distance between properties.
- Access road not big enough for two cars to pass.
- Proposed units would result in loss of sunlight to rear garden of No.74.
- Car manoeuvring on access road would bring noise and disturbance to rear of properties on Belswains Lane.
- Overlooking into properties on Belswains Lane.

## **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 impact on character and appearance of the area
3. The potential impact on the living conditions of future occupants and surrounding residential units
4. Impact on trees and landscaping
5. Highways safety and parking provision
6. Sustainability
7. Consultee responses

### 1. Principle of Development

Core Strategy (2013) policy CS1 states that Hemel Hempstead will be the focus for homes and policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site

Furthermore, the National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

Contrary to this however, the NPPF (2012) also states that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Taking all of the above into account, the proposal would make a valuable contribution to the Borough’s existing housing stock (in accordance with Policy CS17) and complies with the Council’s settlement strategy. As such, given that the development would be located in a sustainable location the principle of development is acceptable in accordance with policies, CS1, CS4, CS17, of the Core Strategy, saved policy 10 of the Local Plan (2004) and NPPF

(2012). The assessment of the impact of the proposed development upon the character and appearance of the immediate area and residential amenity of neighbouring properties hereby follows.

## 2. The quality of the design and the impact on the character and appearance of the area

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

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

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

The Area Character Appraisal for HCA18 Belswains describes the character and spatial layout of the area as, "variety throughout, although detached and semi-detached dwellings are the most common". As such, no special requirements of housing design is specified, except that new infilling and plot amalgamation development, where permitted, will be expected to be compatible with nearby and adjacent dwellings in terms of height, general size and spacing.

The proposal seeks to erect two detached dwellings. Semi-detached and detached dwelling form is considered to be appropriate within this area. There would be a two metres separation distance between both units, maintaining to some extent the generous spacing between dwellings within the street scene.

The proposed architectural form for the two units would have a gable roof and simplistic window portion and front porch design. The height of the proposed units would measure approximately 8 and 9 metres; this is considered an appropriate height for a two storey unit. Given the proposed height, decline in site level and 34 - 37 metres (approximate) set back from Belswains Lane it is not considered that the proposed units would be immediately visible from the street scene, although, limited views of the development may be glimpsed when standing directly in front of the site entrance. Due to the three storey height and terraced form of properties on Ebbens Road it is not considered the proposed units would be overtly visible from this street scene either. There would be views into the development from the narrow footpath running to the south east of the site however, these would be limited due to set back of Unit 2 of 8 metres from the footpath and 1.8 metre high close boarded wooden fence proposed to run along the boundary of the site. As such, it is not considered that the proposed architectural form of the two units would result in detrimental impact to the character and appearance of the surrounding street scenes.

Turning to build form across site, the proposed properties would be located in a relatively

central plot position; retaining an approximate 7 - 8 metre separation distance to south eastern and western site boundaries 6 – 11 metres retained to northern boundaries with Belswains Lane and 11 – 13 metres retained to southern boundaries. These distances when compared with the 7 metre depth of Unit 1 and 6 metre depth of Unit 2 would result in an appropriate level of built form to surrounding open space, in order to prevent over residential intensification of the site and retain the open suburban character of the area.

As such, the built form and positioning of the proposal would not result in a visually dominant feature within the streetscene or an unacceptable spread of bulk and mass across the site. It is therefore considered that the proposal relates to the spacious, open, character of the wider area and comply with Policies CS10, CS11 and CS12 of the Core Strategy (2013), saved Policies 10, 18 and 21 and Appendix 3 of the Local Plan (2004) and the NPPF (2012).

### 3. The potential impact on the living conditions of future occupants and surrounding residential units

The NPPF (2012) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

Saved Appendix 3 of the Local Plan (2003) outlines a minimum 23 metre separation distance between the main rear wall of dwelling and main wall (front or rear) of another. The proposed units would retain a 22 – 23 metre separation distance to properties Nos. 76 and 78 Belswains Lane. Given this separation distance and incline of site levels towards Ebberns Road the dominance of these properties would be reduced as to prevent loss of outlook or privacy serving these properties. It is noted that a two storey side extension with a rear projection at No.78 Belswains has recently been granted under app ref: 4/01425/16/FHA, which reduces the rear-to-rear separation distance further. Nonetheless, this side extension would not be directly opposite Unit 2 and therefore would have oblique views of the site. Moreover, as the side extension has not yet been constructed it can only be given limited weight.

The proposed units would be located 22 – 23 metres away from properties at Ebberns Road. As such, Unit 2 would fail to meet this guidance standard by 1 metre. Nonetheless, this 1 metre shortfall is considered marginal and when combined with rear elevation boundary treatment not considered reason enough to contribute to a refusal. Further, the relationship of Unit 1 with No.209 Ebberns Road would be oblique and therefore this 18 metre (approximately) separation is not of significant concern.

Unit 2 would be located 13 metres away from the front elevation windows of Belswains Cottages, this separation distance combined with the 8 metre height is considered sufficient to retain outlook to these neighbouring residents. Furthermore, this relationship would be side to front, of which DBC have no separation distances policy guidance. Taking these distances into account in conjunction with the orientation of the site in relation to the front facing windows of No.2. Belswains Cottages, it is not considered that the proposal would result in significant harm to the living conditions of the occupants in terms of overbearingness and / or loss of light.

Turning to the living conditions the proposal would afford future residents. Saved Appendix 3 of

the Local Plan (2004) states that garden depths equal to adjoining properties would be acceptable with a functional proposed width, shape and size that is compatible with surrounding area. Saved Appendix 3 expands this further outlining that a dwellinghouse should be provided with a minimum 11.5 metre deep garden space; with a larger garden depth provided for family homes. The two proposed units would meet this provision with garden depths of 12.4 and 11.2 metres respectively, in conjunction with generous widths of 15 and 16 metres.

Side facing windows proposed have been recommended as conditioned as obscure glazed in order to preserve the privacy and residential amenity of future occupiers of the dwellings and neighbouring residents.

As such, the proposed development is considered acceptable in terms of residential amenity and therefore would comply with the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013).

#### 4. Impact on Trees and Landscaping

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

There is established vegetation within and immediately adjacent to the application site, although no part of the application site, or adjacent trees are subject to a Tree Preservation Order (TPO). Nonetheless, the Trees and Woodlands Officer was consulted on the key trees within Nos. 74 and 76 Belswains Lane and advised that the positions of both proposed dwellings would not impact upon trees in addition to an 8.5 metre root protection area required to be maintained around the tree labelled "Pine". This 8.5 metre root protection area has been achieved through the set in of both parking spaces serving unit 1.

The proposed scheme has the potential to provide soft and hard landscaping on site. A condition has been recommended requesting details of materials for hard landscaping and boundary treatment. In addition to a more detailed landscaping plan to ensure a sufficient screen of landscaping on the boundary between Ebberns Road and the application site.

The proposal is considered to accord with Saved Policies 99 and 100 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### 5. Highway Safety and Parking Provision

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 of the Core Strategy (2013) and saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

The application seeks to provide 2x three bed dwellings which in accordance with saved Appendix 5 of the Local Plan (2004) would require a total of 4.5 off street parking spaces (2.25

per dwelling) within Zones 3-4. The proposal would provide sufficient off street parking provision to accommodate 4 domestic cars with an additional space for a further 5<sup>th</sup> car, or motorcycles, thereby meeting maximum standards.

Herts Highways were consulted on the proposal and have raised no objection subject to recommended conditions. Put simply, the considerations made which led to HCC Highways raising no objections were as follows:

- The access is existing and therefore regard is given to the intensification of use only, rather than construction against modern standards. It is not considered that the quantum of 2 dwellings (which might reasonably generate 1 to 2 movements out in the morning peak and a similar level in during the evening peak) would result in severe impact to Highway movement and thereby safety.
- The NPPF directs development should only be refused where the results are severe.
- The constraints of the existing access are retained amongst many other properties on Belswains Lane. Highway records of accident data contains no evidence that this arrangement of being unable to enter and exit in forward gear and limited visible splay (below standards) has been the cause of accidents within the area.
- The planning application improves site circumstance by providing a turning area within the site which would enable forward gear entrance and exit, in addition to wider site visible splays.
- Previous granted planning applications 4/01921/11/FUL and 4/02066/01/OUT proposed identical site access arrangements and quantum of development currently proposed. Since these applications were given approval, the NPPF has been introduced, relaxing requirements further, identifying that development may only be refused if the impacts on the network are severe.

On the grounds outlined above refusal of the planning application on highways grounds would be unreasonable. The proposed development would not result in severe impact to the safety and operation of adjacent highway. Thus, the proposal meets the requirements of Policy CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

## 6. Sustainability

Policy NP1 of the Core Strategy (2013) states that Council will apply a presumption in favour of sustainable development when considering proposals. This is consistent with the 'golden thread' running through the NPPF (2012) as outlined in paragraph 14. The Framework states that there are three aspects to sustainable development; social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependent (paras. 7-8).

### *Environmental*

The application site is situated within an urban area in the existing town of Hemel Hempstead. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site. Taking this into account, the proposal would be environmentally sustainable.

## *Social*

The proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, it is considered to be socially sustainable.

## *Economic*

The proposal would also result in economic benefits during the construction of the units.

## *Conclusion*

Overall, the proposal represents sustainable development, for which a presumption in favour applies in accordance with para.14 of the NPPF (2012).

## 7. Consultation responses

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

*Entry to and front site being dangerous:* Hertfordshire County Council have raised no objection to the scheme, further explanation of this is provided within Section 5, Highway safety and car parking provision.

*Plans inaccurate in terms of measurements:* It is appreciate that there is a metre discrepancy between the site plan currently submitted and previous one in 2016 application ref: 4/03037/16/FUL. Nonetheless, the site plan submitted under the current application reads accurate dimensions when scale measured. When submitting planning applications the application form requires applicants to confirm and sign that plans submitted are "true and accurate"

*Works already started on site:* DBC Enforcement have been notified of this and on two occasions verified that the clearance of the site does not constitute a breach of planning control.

*Previous reasons for refusal:* The previous reasons for refusal and how these have been overcome are addressed under the proposal section above.

*Light Pollution:* Due to separation distance of proposed units to neighbouring properties in conjunction with boundary landscaping it is not considered that the proposal would result in significantly further light pollution levels than existing.

*Overdevelopment of site:* Overdevelopment is assessed in terms of the impact of the proposed works on external amenity provision, relationship to site boundaries and number of car parking spaces. As a result of the proposed works the separation distance to neighbouring boundaries would be retained at 13 – 23 metres (approximately), meeting DBC separation distance guidance. Parking provision would be more than sufficient to accommodate 4 cars, adhering to maximum car parking standards and sufficient external amenity provision, in accordance with Saved Appendix 3 of the Local Plan (2004) would also be ensured.

*Loss of privacy and light to neighbouring properties:* The proposed units would adhere to the 23 metre separation distance guidelines to properties at Belswains Lane and Ebbens Road, and in-turn privacy levels would also be acceptable. Due to the orientation of the site north of Ebbens Road no loss of sunlight to neighbour residents would result. Further assessment regarding residential amenity has been outline within section 3, the potential impact on the living conditions of future occupants and surrounding residential units, above.

*Noise disturbance:* It is not considered that the intensification of two further dwellings on site, within a relatively dense residential area would result in a significant increase in noise levels.

*Impact on protected trees:* No trees within the immediate vicinity are covered by a Tree Protection Order. Nonetheless, an 8.5 metre root protection area has been maintained around the trees labelled 'Pine' and 'Cherry'.

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

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

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

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

**NB-247 Sheet 1**  
**NB-247 Sheet 2**  
**NB-247 Sheet 3**  
**NB-247 Sheet 4**

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

- 3 The windows at first floor level in the side elevations of the dwellings hereby permitted shall be permanently fitted with obscured glass and non-opening below 1.7m from the floor level unless otherwise agreed in writing by the local planning authority.**

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

- 4 No dwelling shall be occupied until 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;**
- **height and type of boundary treatment;**
- **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;

**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 and saved Policies 99 and 100 of the Local Plan (2004).

5

**Prior to the first occupation of the development hereby permitted 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 in accordance with the National Planning Policy Framework, Core Strategy Policies CS9 and CS12 and Saved Policy 51 of the Dacorum Borough Local Plan.

6

**No dwelling shall be occupied until revised plans showing areas for parking and turning suitable for a private vehicle, has be submitted to and approved by the LPA. Such parking will be provided prior to occupation and retained for that sole purpose thereafter.**

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

7

**No development shall commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

**(a) Site Characterisation**

**An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme must be submitted and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

- a survey of the extent, scale and nature of contamination;

**(ii) an assessment of the potential risks to:**

- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - 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**

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.

### **Informatives**

#### Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

#### Highways

AN1) 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> by telephoning 0300 1234047.

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

AN3) 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> by telephoning 0300 1234047.

#### Environmental Health

1. Building work and all related activities on the site, including deliveries and collections shall only take place between 7-30 am and 6-30 pm on weekdays (Monday to Saturday inclusive) and no work shall take place on site on Sundays or Bank Holidays.

2. No waste material, wood or other material shall be burnt on site at any time