

**4/02647/17/FUL - CONSTRUCTION OF FOUR 2-BED AND TWO 1-BED FLATS (AMENDED SCHEME).**

**GARAGES, ADJ STORNOWAY, NORTHEND, HEMEL HEMPSTEAD, HP3.**

**APPLICANT: Dacorum Borough Council - Mr S Bramley.**

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[Case Officer - Robert Freeman]

### **Summary**

The application is recommended for approval.

The redevelopment of the site for residential purposes would provide a more productive and appropriate use of the site given the decline in use of the garages and the need for new homes within the Borough.

The proposed scheme is acceptable in terms of its design, layout and impact on neighbouring properties. The proposal has been amended to ensure that there is no detrimental impact upon significant trees upon the site and it is not considered to be significantly harmful to the wider amenity value of open space upon the site.

Alternative parking provision is to be offered to those users displaced by the development of the garage court and the proposed development is unlikely to give rise to conditions prejudicial to highways safety.

The proposal adheres with Saved Policies 10, 13, 18, 21, 51, 58, 99, 11 and 116 and Appendices 3 and 5 of the Dacorum Local Plan (2004) and Policies CS1, CS2, CS4, CS8, CS9, CS11, CS12, CS17, CS19, CS26, CS29 and CS35 of the Core Strategy (2013), and the National Planning Policy Framework (2012).

### **Site Description**

The site is located on the southern side of Northend and to the south east of Stornoway. It is located opposite the existing local shop and a bus stop serving the Northend estate.

A total of 20 garages are provided on the site in two rows of 10. A small circulation area is located between the rows with the access and egress directly onto Northend. The site is part of a wider flat area comprising an amenity green backed onto by surrounding residential units. The amenity green is a triangle of grassland with tarmac footpaths to its perimeter. An Oak tree occupies the eastern corner of the site and is significant in the context of the Northend street scene. There is an existing Thames Water sewer running parallel to the western boundary of the site and under the western row of garages.

### **Proposal**

The proposal involves the demolition of an existing block of 20 garages and construction of a single block comprising 6 flats (4 x 1 bed and 2 x 2 bed) and associated parking. The accommodation would be over three floors and would utilise space within the roof structure. The site would be accessed off Northend using the existing garage access. There would be 8 parking spaces provided on the site. Amended plans have been provided to relocate a bin and cycle store to the side of the proposed dwelling. At the time of writing these were subject to consultation.

### **Referral to Committee**

The application is referred to the Development Management Committee as it involves the construction of residential development upon Council land.

## **Planning History**

This application is the third attempt to secure a planning permission for residential development on the site following the withdrawn schemes 4/01538/13/OUT (Demolition of garages and construction of three dwellings) and 4/00509/17/FUL (Demolition of garages and construction of 6 x 2 bedroom dwellings) It has been subject to pre-application consultation and exhibition.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
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  
CS23 - Social Infrastructure  
CS26 - Green Infrastructure  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management and  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 21, 22, 51, 58, 63, 99, 111 and 116.  
Appendices 1, 3 and 5.

### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of car Parking Standards (July 2002)  
Affordable Housing (Jan 2013)  
Energy Efficiency & Conservation (June 2006)  
Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)

## **Summary of Representations**

### 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 considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to a number of conditions and informative covering the size of parking spaces

### *Conditions*

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

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

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

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

3. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

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

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

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

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

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

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

### *Informatives*

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

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

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud

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

#### *Comments*

This application is for the construction of 4 x 2 bed and 2 x 1 bed flats on this previous garage site.

#### *Parking and Access*

Eight new parking spaces will be provided for the dwellings. The existing vxo onto Northend will be altered and will include a rumble strip. Northend is an unclassified local access road, subject to a 30mph speed limit. Vehicles are not required to enter and leave the highway in forward gear. Provision is also made onsite for cycle storage.

Provision is made on site for storage of refuse.

#### *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 County Council - Property Services

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum CIL Zone 3 and does not fall within any of the CIL Regulation 123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your Regulation 123 List through the appropriate channels.

#### NATS Safeguarding

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

#### Trees and Woodlands

The arboricultural survey has correctly identified 2 category A trees on this site, T2 Oak and T6 Sycamore. These are the only trees worthy of retention and protection. T6 appears to be outside of the building areas and its Root Protection Area (RPA) is expected to be undisturbed but I recommend that its RPA is protected by protective fencing in accordance with the recommendations of British Standard 5837:2012, Trees in relation to design, demolition and construction Recommendations. T2 Oak has a RPA with a radius of 4.4 m from the base of the tree. The drawing number WNS-AHR-S0-00-DR-A-05-002, entitled proposed site plan shows bins and bikes stores positioned well inside the RPA. This will cause significant damage to the RPA of this important tree and I recommend that the structure is placed outside the 4.4 m radius of the RPA and the RPA protected in accordance with the above British Standard.

I also recommend that the applicant submits an arboricultural method statement detailing tree protection as identified in the arboricultural report.

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

2 Northend - Objects on the grounds of highways safety. There are concerns that this proposal will lead to more congestion on the estate and additional on street parking on this blind bend.

1 Stornoway - Objects. The building is more empathetic to existing properties however I remain concerned regards the impact of the proposals on highways safety and parking. The proposals would also result in a loss of privacy to existing residents

## **Considerations**

### Policy and Principle

One of the core planning principles outlined in the National Planning Policy Framework (NPPF) (2013) emphasises the planning system's responsibility to deliver more homes and boost the supply of housing within the Country. These homes are directed under the NPPF towards towns and other specified settlements and the reuse of land that has been previously developed is strongly encouraged. The application site is located within an established residential area of Hemel Hempstead wherein residential development is acceptable in accordance with Policy CS4 of the Core Strategy. The site comprises previously developed land; the redevelopment of which would be prioritised under NP1, CS1 and CS2 and should be optimised under saved policy 10 of the Local Plan. There would be a strong presumption in Policy CS17 in favour of promoting residential use of the land to address a need for additional housing within the Borough and as such the principle of residential use of the site is well established.

### The Quality of the Design and the Impact on the Character and Appearance of the Area

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

The proposed development is considered acceptable in terms of its design, siting, layout, bulk, scale and materials.

The proposed development is sympathetic in scale to neighbouring properties in Northend, Stornoway and Stronsay Close with additional accommodation incorporated within the roof space and brick detailing providing relief from the bulk and mass of flank elevations. The layout provides for six medium sized units served from a central stairwell. These units have a high level of internal space illuminated by large glazed openings and incorporating access to external amenity space where feasible. Juliette and full balconies provide useful amenity areas for future residents whilst a communal area would also be provided to the rear of the building. There is varied palette of materials used within the locality and as such there would be no significant object to the use of a red brick and contrasting details panel, notwithstanding the dominance of rendered elevations at Stornoway and Stronsay Close.

The proposals have been amended to move the bin and cycle store outside the root protection areas of significant trees on the site and to fully address the concerns of the Trees and Woodlands section.

### The Potential Impact on the Residential Amenity of Adjoining Neighbours

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, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

The proposals have been carefully sited to ensure that there is no significant impact upon the residential amenities of neighbouring properties. The flank elevation of the proposed dwellings would be located over 15m from the rear elevations of properties in Storonsay Close and this relationship should ensure that there is no significant loss in either daylight or sunlight to these dwellings. Likewise the juxtaposition of the proposed development to properties in Northend and Stornoway is such that the proposals would also appear to have no significant impact on light to these homes. No windows would be provided above ground level in either flank elevation to the proposal, whilst the introduction of balconies at roof level is limited to those fronting Northend. These balconies would offer limited and oblique views to neighbouring units and at a distance which is likely to prove insufficient to justify a refusal of this proposal. As such it is considered that there would be no significant overlooking or loss of privacy to surrounding dwellings.

The proposed development would not have a significantly detrimental impact on the residential amenity of neighbouring properties, or future occupiers, thus is considered acceptable in terms of the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Highway Safety and Parking Provision

The proposed development is part of a wider Council initiative looking at its assets, their use and whether there is scope for redevelopment or more productive use. In the case of garage courts within Council ownership, there has been a marked decline in their overall use for parking since the estates in which they are situated were originally constructed. This has led to number of empty units, vandalism and a decline in their general condition in many areas. The scope for optimising the use of these sites for residential purposes in support of the housing strategy is considerable, but must be carefully considered in terms of highways safety and parking provision.

The garages, subject to this application, are 55% occupied (11/20) with the bulk of tenants located within the wider Northend neighbourhood area. Of these tenants, only 3 could be considered as being located in the immediate vicinity of the application site (Stornoway) whilst 2 occupants have home addresses in Queensway, Hemel Hempstead and Luton some distance from the site. The termination of tenancy agreements in order to develop the site may result in the displacement of vehicles onto the highway, however the scale of displacement is difficult to quantify as the use of the garages is not constrained to the parking of vehicles.

The Council's strategy to the redevelopment of garages is to offer alternative facilities where they are available for use within a neighbourhood, irrespective of current use. It is acknowledged that all offers of alternative provision will not necessarily be taken. There are however 6 lettable units within the nearby garage block at Manan Close, 7 units in Westray and 7 in Arran Close should an alternative garage be required by a current tenant. Many of these sites would, in my opinion, be more convenient for residents having a closer or equal geographic connection to their home address. For these reasons, it is considered that there should be a negligible impact on highways safety from any displaced vehicles from the site.

The proposed residential scheme would provide some 8 parking spaces for the 6 flats being provided and this is considered to be satisfactory given the nature of the units provided and close proximity to public transport and services. There are no objections to the proposals on highways safety grounds from the County Council as highway authority and accordingly the proposals should be considered in broad accordance with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 and Appendix 5 of the Local Plan.

A number of conditions have been recommended by the highway authority. A number of these matters are not appropriate for conditions and as such these suggestions have been

consolidated to ensure compliance with paragraph 206 of the NPPF.

### Impact on Trees and Landscaping

The application has been amended in order to remove the bin store and cycle store from the root protection area of the two significant trees upon the site and as such it is considered that the comments of the Trees and Woodlands team have been adequately addressed. It is still recommended that protective fencing is installed to protect this tree during the construction of the proposed dwellings and that the construction of hard standing be conditioned to avoid damage to its roots. Subject to the imposition of conditions the proposals would therefore accord with saved policy 99 from the Local Plan and CS12 of the Core Strategy.

### Developer Contributions:

In accordance with Policy CS35 of the Core Strategy (2013) and Saved Policy 13 of the Local Plan (2004) planning obligations under s.106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) will be required to deliver supporting infrastructure within the vicinity of the application site. The site is below the affordable housing thresholds as identified in Policy CS19 of the Core Strategy (2013) and as such there is no obligation to provide the units as affordable homes in perpetuity.

The Council has an adopted Community Infrastructure Levy (CIL) under which developer contributions are collected. The site is located in Zone 3 wherein a charge of £100 per square metre of residential development would be levied. As the scheme would be brought forward by the Strategic Housing team as affordable housing it would be capable of securing an exemption to CIL.

### Other Material Planning Considerations

The former garage use of the site could give rise to issues of land contamination which may need to be addressed. The Council's scientific officer has been consulted on the proposals and has recommended the inclusion of conditions to deal with this matter.

**RECOMMENDATION** – That planning permission be **DELEGATED** to the Group Manager Development Management and Planning with a view to approval subject to the expiry of the consultation period.

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

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

- 2 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development.

- 3 No development shall take place until an Arboricultural methodology statement**

has been submitted to and approved in writing by the local planning authority. The Arboricultural methodology statement shall set out what steps are to be taken to protect the trees on the site for the duration of construction. The development shall be carried out fully in accordance with the approved details.

Reason: To safeguard those landscape features of significant upon the application site in accordance with Policy CS12 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 4 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, loading and unloading shown on Drawing No. WNS-AHR-S0-00-DR-A-05-0002 Revision A shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

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

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

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

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

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

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

- 6 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 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)

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

**WNS-AHR-B1-00-DR-A-05-001 Revision A  
WNS-AHR-B1-01-DR-A-05-001  
WNS-AHR-B1-02-DR-A-05-001  
WNS-AHR-B1-03-DR-A-05-001  
WNS-AHR-B1-ZZ-DR-A-05-001  
WNS-AHR-B1-ZZ-DR-A-05-002  
WNS-AHR-S0-00-DR-A-05-002 Revision A**

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted proactively 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/>

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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