

4/03310/17/FUL	DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF TWO STOREY BLOCK OF SIX FLATS WITH ANCILLARY OFF ROAD PARKING AND LANDSCAPING WITH VEHICLE CROSSOVER
Site Address	35 GREEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JZ
Applicant	BULL HOMES, C/O AGENT
Case Officer	Intan Keen
Referral to Committee	Contrary views of Bovington Parish Council and Councillor call-in

1. Recommendation

1.1 That the application is delegated with a view to **APPROVAL** subject to the expiration of the notification period (relating to a revised site layout plan) and subject to the conditions set out below.

2. Summary

2.1 The proposal for residential development of the site is acceptable in principle as the site lies within a designated residential area and a sustainable location within the village envelope of Bovington and proximate to the local centre and associated facilities. There is strong policy support for housing provision and the redevelopment of smaller sites

2.2 The development is considered to be acceptable in layout terms and with respect to the impact on the appearance of the street scene. Car parking provision would be adequate and the forecourt design would provide an appropriate balance, also noting the proposed layout would provide a considerable amount of private communal open space. As such the proposed density and scale of development would be acceptable in its context while maintaining the key features of this part of the street scene of Green Lane and an appropriate interface to the open field to the rear of the site. Access arrangements would be satisfactory and no concern has been raised with regards to traffic generated by the development.

2.3 The proposal is therefore in accordance with the aims of Policies CS1, CS4, CS8, CS10, CS11, CS12, CS17, CS18, CS29, CS31 and CS32 of the Dacorum Core Strategy 2013 and saved Policies 10, 18, 21, 51, 54 and 58 of the Dacorum Borough Local Plan 1991-2011.

3. Site Description

3.1 The application site comprises a residential plot of land currently occupied by a large two-storey dwelling with an angled relationship to its road frontage on the south-eastern side of Green Lane.

3.2 The south-eastern side of Green Lane are generally occupied by large, detached, two-storey dwellings sited on deep, linear plots with gardens extending up to 40m deep. Green Lane is primarily residential and the existing development on the site is typical of this part of the street scene with a semi-rural and spacious character. Levels fall gently in a north-western direction, such that Green Lane is located on lower ground relative to the existing dwellings.

4. Proposal

4.1 Planning permission is sought for the demolition of the existing dwelling and redevelopment of the site with a two-storey building comprising six two-bedroom flats.

4.2 The forecourt would provide on-site car parking for seven spaces, set back slightly from the highway separated by proposed landscaping. An area allocated for refuse would also be provided within this space.

4.3 The development would also incorporate private amenity space to the rear of the building for the future residents.

5. Relevant Planning History

5.1 It is known that the application site is in the same ownership as the adjoining plot at No. 33 Green Lane. Both sites together have been subject to two recent applications, as follows:

- The application site has been subject to a recent application 4/02173/17/FUL for demolition of Nos. 33 and 35 Green Lane and construction of six four-bedroom dwellings which was refused on 29 November 2017.
- Also of relevance is application 4/00415/16/FUL which proposed redevelopment of the site for a total of nine units. This application was refused and subsequently dismissed at appeal, the decision which raised concerns with respect to the proposed backland development noting the absence of buildings and disturbance within rear garden areas along this part of Green Lane and the open field immediately to the rear which gives a rural interface to the site.

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

6.2 Dacorum Core Strategy

Policies NP1, CS1, CS4, CS8, CS9, CS10, CS11, CS12, CS17, CS18, CS19, CS29, CS31, CS32 and CS35

6.3 Dacorum Borough Local Plan

Saved Policies 10, 13, 18, 21, 51, 54, 58, 99
Appendices 3 and 5

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Affordable Housing (Jan 2013)

7. Constraints

- Large village
- Residential area
- CIL Zone 2

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification and site notice responses

8.2 These are reproduced in full at Appendix B

9. Considerations

Main issues

9.1 The main issues of relevance to the consideration of this application are as follows:

- Policy and principle
- Density and layout
- Impact on street scene (including impact on adjacent Green Belt land)
- Impact on neighbouring properties
- Access, traffic and parking
- Flood risk and drainage
- Affordable housing
- Community Infrastructure Levy (CIL)

Policy and principle

9.2 As noted above, the application site lies within a designated residential area in the large village of Bovingdon where appropriate residential development is encouraged under Policies CS1 and CS4 of the Core Strategy.

9.3 Further policy support for the provision of housing is contained within the NPPF which states that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49); and the site's location within a designated residential area within the defined village of Bovingdon would accord with these objectives. Further, Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is supported in principle under Policy CS18.

9.4 The policy support for additional housing in a village and residential location as outlined above is given considerable weight in assessing the proposal.

9.5 The principle of redeveloping the site for residential dwellings is therefore acceptable under the above provisions.

Density and layout

Policy context

Reference should be made to the policy support for housing outlined above, and regard should also be given to the provisions of saved Policy 10 of the Local Plan (together with other relevant policies guiding development, including Policies CS11 and CS12 of the Core Strategy for instance). Saved Policy 10 states that (where relevant) general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan. In particular, building development will be permitted if it makes optimum use of the land available, whether in terms of site coverage or height.

Density and type of units

The application site lies within the area identified as a semi-rural zone within the Urban Design Assessment for Bovingdon (2006). In these areas a very low to low density is typical and

ranges between dwellings per hectare. The proposed on-site density would equate to 29 dwellings per hectare (site area 2,076m² as measured on submitted site location plan), resulting in an average density of the application site and the three plots either side to a density of 15 dwellings per hectare which would remain commensurate within the 'very low' range stipulated in the above guidance.

The design guidelines for the semi-rural zones set out that the recommended densities should generally be low to medium density and importantly the proposal would conform with this vision for this part of Bovingdon. This is echoed by saved Policy 21 of the Local Plan which also states densities should fall within this range.

Concern has been raised by residents in relation to a flatted development in a street scene of large detached houses. It is acknowledged that there are no examples of flatted development on the south-eastern side of Green Lane, however in assessing this element of the proposal the following factors should be taken into consideration:

- The need for smaller units;
- The greater plot width compared with others that front the same side of Green Lane;
- Policies in place that would discourage an over-concentration of flats in an area of single dwellings;
- The street scene and properties directly fronting Green Lane are not aesthetically sensitive;
- The sustainable location of the site;
- The assessment below with respect to the visual amenity of the surrounding area noting a significantly sized private amenity area and sufficient landscaping to the street.

It is important to note that numerical density is one factor and should be balanced against other considerations in order to determine whether the development would provide a satisfactory design response to the surrounding area.

Layout

The existing building has an angled relationship to Green Lane and as such represents somewhat of an anomaly noting the established street scene where dwellings directly face the road albeit from a generous distance. The proposed development would be set back from the road a suitable distance of 15.5m when viewed in the context of the properties either side (14.4m and 18.5m to two-storey elements) which display a fairly consistent build line to Green Lane.

The plot width measuring approximately 28m and typically over 12m wider than neighbours either side would allow for a larger building to be placed on the site whilst maintaining sufficient space around the building (separation of 4m to 6.5m to its side boundaries), subject to form and appearance which is assessed in the following section. Consequently, the net increase in building footprint would not raise any concerns in this location.

An appropriate balance has been reached within the forecourt providing seven on-site car parking spaces and a dedicated area for refuse storage together with a suitable level of landscaping and planting (hedge retention). Spacing around the building and to its boundaries would be appropriate so that the semi-rural pattern of development is retained as the site would be kept as a single plot.

There would be no significant encroachment of development within the rear portion of the site, as alluded to above this would remain as a shared private garden for residents. As such, the proposal would maintain the gentle transition from the built form within the north-western portion of the site to the open field designated as Green Belt land to the south-east.

Turning to the living conditions of future occupiers the garden area would be functional and of a depth and size compatible with those on Green Lane. Saved Appendix 3 of the Local Plan

outlines that for a multiple occupancy residential development an amenity area at least equal to the footprint of the building should be provided. The proposed development would have an approximate garden area of 1,000m² which would exceed the approximated 300m² of floor space proposed. As such, the amenity space provision would exceed local standards and is further indicative of appropriate development on this plot.

The proposal would therefore accord with the provisions of Policies CS10, CS11 and CS12 in this regard.

Impact on street scene and surrounding area

Green Lane on its south-eastern side comprises detached dwellings which are generally two-storey, however are typically large and of varied sizes, heights, architectural styles and materials.

The proposal seeks to demolish the existing two-storey dwelling which for the reasons above sits as an isolated entity within the street scene due to its angled orientation and its greater front setback relative to neighbouring properties on the same side of the road. In addition, high and thick planting exists to the site's road frontage.

The development would be appropriately designed, of a two-storey scale and well-proportioned in terms of fenestration placement and design as well as roof pitch, noting the building would sit within a varied street scene. Its principal elevation would incorporate a projecting gable element and a smaller secondary recessed gable which would break up the building mass when viewed along Green Lane. The use of contrasting materials and brick banding would add further interest to the development.

In height terms measuring 8m to the main roof the development would be commensurate with neighbouring properties measuring 7.55m (No. 33) and 8.21m (No. 37) high. The submitted street scene demonstrates the development would appropriately follow the slight fall in levels to the north-east down Green Lane. Further, hipped ends of the development would create a gentle transition between building outlines within the street. As such, the building would achieve a comfortable degree of compatibility within its context, would not appear unduly prominent and the semi-rural and suburban characteristics of the vicinity would be retained. Integration of the development within the street scene would be assisted through the maintenance of boundary planting and enhanced soft landscaping within the forecourt to maintain the verdant aspect characteristic of the area.

Details of materials shall be conditioned if planning permission is granted.

The above factors are considered indicative of a development that has responded positively to the character of the street scene and surrounding area that would accord with the aims of Policies CS11 and CS12 of the Core Strategy.

Impact on neighbouring properties

The two properties immediately adjacent to the development are the dwellings located at Nos. 33 and 37 Green Lane.

The proposed development would be sufficiently sited away from the shared side boundaries of these two neighbouring properties and their respective dwellings such that it would not intrude into the 45° line taken from the nearest rear-facing habitable room windows when viewed on the proposed site layout plan. As alluded to above the development would not project significantly beyond the front wall of No. 37. These factors demonstrate that the proposal would not have an adverse impact with respect to loss of light or visual intrusion.

There are no side-facing openings facing the application site which represent main habitable

room windows in either of the dwellings at Nos. 33 or 37 Green Lane.

To avoid unreasonable overlooking into windows or main areas of private open space it is recommended that all first floor side-facing windows within the development are conditioned to be obscure-glazed and non-opening below a height of 1.7m above finished floor level if planning permission is granted. It is noted that none of the side-facing windows within the proposed building are main habitable room windows.

Car parking would be concentrated at the front of the building similar to existing on-site conditions (noting a greater forecourt area) and other dwellings within Green Lane and therefore the development would not give rise to concerns as a result of noise disturbance from vehicles.

It follows the proposal would be acceptable in this regard and in accordance with Policy CS12 of the Core Strategy.

Access, traffic and car parking

Hertfordshire Highways in their consultation response below raised no objection on the grounds of proposed access arrangements to the development or traffic movements.

With respect to car parking, under saved Appendix 5 of the Local Plan the development would require a maximum of nine (9) spaces (provided at 1.5 spaces per dwelling with six units proposed). The proposal to provide seven spaces would fall short of this maximum standard by two spaces. Parking provision on the site is considered acceptable for the proposed development for the following reasons:

- The site is within walking distance to Bovingdon village centre;
- There is a bus stop immediately outside the application site;
- The forecourt as described above would strike an appropriate balance between parking provision and soft landscaping;
- Properties within the immediate vicinity including on the opposite side of Green Lane feature on-site (private) car parking;
- Several properties on the same side of Green Lane would appear to meet maximum local parking standards (three spaces per dwelling);
- All units are two-bedrooms each and there would be at least one space per dwelling noting that the local guidance states these are maximum standards.

As such it is considered that access and parking arrangements would be satisfactory and would not raise highway safety concerns in accordance with the objectives of Policies CS8 and CS12 of the Core strategy and saved Policy 58 of the Local Plan.

Flood risk and drainage

These matters have been adequately addressed noting the site does not lie within an area susceptible to flooding (outside Flood Zones 2 and 3). It is not considered that the proposal would increase the overall risk of flooding in the area in accordance with Policy CS31 of the Core Strategy.

Affordable housing

The provision of affordable housing (whether on-site or through a contribution) as required by the NPPG is set out under the Affordable Housing SPD Clarification Note (Version 2) dated July 2016.

Both Policy CS19 and the Affordable Housing SPD refer to site size thresholds of 0.3ha for Hemel Hempstead and 0.16ha elsewhere. These thresholds relate to where affordable housing

contributions should be provided on-site. These thresholds will no longer be applied.

Instead the 1,000sqm figure in the PPG will be applied to development of 10 units or under outside of the defined Rural Area. This applies to the application site (Bovingdon village falls outside the defined Rural Area).

The development would not exceed the minimum threshold for a commuted sum payment towards affordable housing. As such, the development is compliant with the PPG which is given greater weight above the thresholds set out under Policy CS19.

Community Infrastructure Levy (CIL)

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

10. Conclusions

10.1 The proposal for six flats on this site would represent appropriate development in its context and would not compromise the semi-rural characteristics of the locality and would not give rise to highway safety concerns. As such, the development would be in accordance with the aims of the NPPF, Policies CS1, CS4, CS10, CS11, CS12, CS25, CS29 and CS31 of the Dacorum Core Strategy 2013 and saved Policies 10, 13, 18, 21, 51, 54, 58 and 99 of the Dacorum Borough Local Plan 1991-2011.

11. RECOMMENDATION

11.1 It is recommended that the application is **DELEGATED** to the Group Manager of Development Management and Planning with a view to **APPROVAL** subject to the expiration of the neighbour notification period and subject to the following conditions:

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

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

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

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

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

- **hard surfacing materials;**
- **means of enclosure;**

- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas, including specification of the proposed vehicular and pedestrian access serving the development hereby approved;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc).

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, to safeguard the visual character of the immediate area, and in the interests of highway safety in accordance with Policies CS12 and CS25 of the Dacorum Core Strategy 2013.

- 4 **Any tree or shrub which forms part of the approved landscaping scheme which within a period of five (5) years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 and CS25 of the Dacorum Core Strategy 2013.

- 5 **Vehicular visibility splays of 2.4m by 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

- 6 **Pedestrian visibility splays of 2m by 2m shall be provided and thereafter maintained on both sides of the new vehicle crossover, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interests of highway safety in accordance with Policy CS12 of the Core Strategy.

- 7 **Occupation of the development hereby permitted shall not commence before the approved on-site car parking area has been laid out, demarcated, levelled, surfaced and drained in accordance with the approved details and the altered vehicle crossover hereby approved has been constructed to the approved specification. The car parking area shall be retained thereafter and made available for that specific use.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 8 **Vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on Drawing No. 209 Rev B (proposed layout) only. Occupation of the development hereby permitted shall not commence before the closure of any other accesses or egresses which shall remain permanently closed, and the footway / highway verge reinstated in accordance with a detailed scheme to be agreed with the local planning authority, concurrently with the bringing into use of the new access.**

Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 9 **The windows at first floor level in the north-eastern and south-western side elevations of the building hereby permitted shall be non-opening below a height of 1.7m from finished floor level and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

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

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

**1534 200 (site location plan)
1534 209 Rev B (proposed layout) received 10 May 2018
1534 210 Rev A (proposed floor plans and elevations)
1534 208 Rev A (proposed street scene)**

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

Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the previous application and current application stages which led to improvements to the scheme. The Council has therefore acted in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Contaminated Land Informative

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

Appendix A - Consultation responses

Hertfordshire Highways

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

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

Conditions:

1. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

2. Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossover, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

3. Prior to the commencement of the use hereby permitted the proposed onsite car parking area 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 area, in the interests of highway safety.

4. The development shall not be brought into use until the altered 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.

5. Prior to the first occupation vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number 209 "Proposed Site Plan" only. Any other accesses or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety.

6. Prior to the first occupation, an amended plan showing the proposed arrangements for the collection of waste shall be completed and submitted for approval by the Local Planning Authority.

Reason: In the interests of highway safety.

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

Informatives:

1. 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 Demolition Of Existing Building And Construction Of Two Storey Block Of Six Flats With Ancillary Off Road Parking And Landscaping With Vehicle Crossover.

This amendment presents a revised parking layout in drawing number 1534 209 rev A, which reduces on site parking spaces to 5.

Parking

The proposal is to create a total of 6 parking spaces for the six two bedroomed flats, on an extended hard standing to the front of the property. Although the Design and Access Statement and drawing number 1534 210 submitted show 6x2-bed flats, in section 17 of the application form the applicant has indicated that the proposal is for 6x4-bed flats.

This approval therefore is based on the Design and Access statement and drawing numbers 1534 210 rev A and 1534 209 revA which propose 6x2-bed flats with 5 on site parking spaces.

Access

A new vxo is proposed, central to the plot. I notice that there are a bus stop sign and a telegraph pole which may need to be relocated in order to construct this vxo. The applicant should be made aware that they may need to meet the cost of this.

Further, the existing vxo for the current garage will need to be stopped up and the pavement and verge reinstated before the development comes into use. Green Lane is an unclassified local access road with a speed limit of 30 mph, so vehicles are not required to enter and exit the site in forward gear.

Refuse storage and collection

Although the applicant states in section 7 of the application form that arrangements for the storage and collection of waste are given on drawing number 1534 209, this only shows an area for the storage of waste. drawing number 1534 209rev A does not show any arrangements for waste.

Roads in Herts, section 2.6.8 Refuse collection, states that vehicles must be able to stop within the "maximum refuse carry distance" specified by the Local Planning Authority or within 25m of any bin storage area, whichever is the lesser distance. Residents should not have to carry their rubbish more than 30m to a storage point. (Sources BS5906 2005 and Schedule 1 Part H Building Regulations). The applicant is therefore required to submit a revised plan showing the proposed arrangement for the collection of waste from the development.

Conclusion

Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways.

Dacorum Contaminated Land

The site is located within the vicinity of the following potentially contaminative former land uses:

- Coal yard situated approximately 255 metres to the north-northeast
- Builders yard situated approximately 255 metres to the north-northeast

BGS data indicates that the site is underlain by superficial deposits of Clay with Flints. Due to the significant distance of these potentially contaminative land uses from the site and the underlying relatively impermeable strata, it is unlikely that a viable pollutant linkage is present. As such contamination conditions are not required.

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

Dacorum Contaminated Land amended plans comments

We will like to advise that we have no objection to the proposed application as it relates to Air Quality and land contamination.

However, considering the nature of the proposed development the following planning conditions and informative are recommend should planning permission be granted.

1a). Contaminated Land Condition

No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

- A Phase I Report consists of a desk study, site walkover, conceptual model and a 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, in accordance with Core Strategy (2013) Policy CS32.

1b). All remediation or protection measures identified in the Remediation Statement referred to

in Condition 1a above 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, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).

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

2. Construction Management Plan Condition

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The Construction Management Plan shall include details of:

- a) Construction vehicle numbers, type, routing
- b) Traffic management requirements
- c) Construction and storage compounds (including areas designated for car parking)
- d) Siting and details of wheel washing facilities
- e) Cleaning of site entrances, site tracks and the adjacent public highway
- f) Timing of construction activities to avoid school pick up/drop off times
- g) Provision of sufficient on-site parking prior to commencement of construction activities
- h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Core Strategy (2013) Policy CS8.

3. Un-expected Contaminated Land Informative

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 with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.

4. Construction/Demolition Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and

demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

5. Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Dacorum Refuse

There should be space for at least 2x1100 litre eurbins and a 140 litre wheeled bin for food there should be no steps between the storage area and the collection vehicle which is a 26 ton rigid freighter. Any doors should be suitably robust.

Hertfordshire Property Services

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

Bovingdon Parish Council amended plans

Object - the comments made at the Planning Committee meeting on 22 January 2018 still stand as follows:

- This would set a precedent as there are no flats in Green Lane and therefore, would not be in keeping with the area. That is, all of the properties in Green Lane are detached or semi-detached and that there have been a number of recent permissions granted but all for the same type of property.
- There is insufficient parking and no provision has been made for visitor parking
- The proposal represents an over intensification of the site and clearly if this were granted could set a precedent for the adjoining site
- Design/ overbearing - by reason of the density, height, form and layout, the proposed development would result in harm to the amenities of the neighbouring properties.

In addition it was noted that:

- The provision for parking fails to meet the National Planning Standards
- No provision for waste refuse bins
- Concern as to how the land at the rear of the flats will be used by the residents and its impact on neighbouring properties
- The front of the building will not be in keeping with neighbouring properties as it will by necessity have to be a parking area for the residents and will look more appropriate in an urban setting
- The privacy of the owners of No 37 Green Lane is threatened by the proposal to have living room and kitchen windows directly overlooking their property. This would appear to be contrary to existing standards which state that where there are overlooking windows that these should be a minimum of 12 metres away and should be obscured and potentially fixed shut.

Bovingdon Parish Council original submission

The Parish Council's Planning Committee met on 22 January and object to the revised scheme

for the following reasons:

- This would set a precedent as there are no flats in Green Lane and therefore, would not be in keeping with the area.
- That is, all of the properties in Green Lane are detached or semi-detached and that there have been a number of recent permissions granted but all for the same type of property.
- There is insufficient parking and no provision has been made for visitor parking
- The proposed scheme is set too far back on the site and the protruding area at the rear of the building will overlook the neighbouring properties
- The proposal represents an over intensification of the site and clearly if this were granted could set a precedent for the adjoining site
- Design/ overbearing - by reason of the density, height, form and layout, the proposed development would result in harm to the amenities of the neighbouring properties.

Appendix B - Neighbour notification / site notice responses

Councillor Stewart Riddick call in

I was at the Bovingdon Parish Council Planning Meeting on Monday when this application was discussed, and they have decided to Object to this latest proposal. Their cogent reasons for refusal are valid, including gross over-development, access restrictions, dominant elevations, overlooking of neighbouring properties and setting of a precedent, since there are no other Blocks of Flats in Green Lane.

I believe that I had already requested this to be called in for consideration by the DMC and due to the controversial nature of this proposal, I would like to re-confirm my request that it is submitted to the DMC.

However, if you are minded to recommend Refusal, it would then not be necessary for the DMC to decide on this application.

Further correspondence

I know you are aware of the (2) previous applications which were Refused...and Refused again on Appeal.

The reasons for objection from Bovingdon Parish Council and the Local Community regarding this latest application are virtually the same; basically, it is still non compliant with CS 11 (a) (b) & (d) and also CS12 (a) (b) (c) (f) & (g) (i) (iii) (iv) (v) & (vi).

I would be grateful if you could confirm whether it will be REFUSED or whether it will be put before the DMC?

37 Green Lane amended plans

I am writing on behalf of Mr & Mrs Waller, the owners and occupiers of no. 37 Green Lane, Bovingdon. This property is immediately adjacent to the development site on its south west side. We have been advised of revised plans and looked at these on line. We write to add our objections to these revised plans as follows.

1. The revised plans are also for six two bedroom flats. Again we consider this to be out of character in principal with the use of this part of Green Lane which is characterised by family houses and gardens.
2. There is no indication of what is happening in the rear of the site, or in the 4.4m gap at the

side of the building to our boundary.

3. The parking standard is still far too low. Two-bedroom flats are likely to demand two cars each. In reality if permitted this scheme would end up having a bigger car park in front otherwise the cars are going to spill out on to the highway. A development of this size is likely to require 12 off street parking spaces and they wouldn't fit. If a more realistic car park is shown on the plans, the frontage will be totally car-dominated and hard surfaced; without trees or shrubs and out of character with the setting and greenness of Green Lane (aptly named). The proposals are overdevelopment and the flats have poorly shaped rooms and badly positioned windows.
4. The nearest rear living room corner projects over 2m behind the rear building line of no.37.
5. We still object to the side facing kitchen and living rooms on both floors having windows facing directly towards the rear garden of Mr & Mrs Waller's house. The distance between the side windows and the boundary is 4.4m. We consider standards call for that dimension to be 12m. This proposal has eight habitable room windows from 4 dwellings facing Mr & Mrs Waller property which is unacceptable.
6. As a result this proposal will still harm the privacy and amenity of Mr & Mrs Waller's property by sideways overlooking into their house and garden. The windows are indicated to be obscured glass. But it is considered these will still result in perceived overlooking. The windows should be permanently fixed shut. There are kitchen windows from 2 flats on each floor also facing sideways directly at our boundary only 4.4m away. This problem can't be designed out by fixing the windows permanently shut because it would not be appropriate for kitchen windows to be fixed shut for ventilation reasons. Kitchen windows should face front or rear, not sideways.
7. We note the proposal has a crown flat roof but that the previous second storey dormer window has been omitted.
8. The drawings do not appear to show any provision for refuse storage.
9. We ask again about proposals for no.33? In the interests of proper planning the application should consider the complete picture.
10. Mr & Mrs Waller are extremely concerned about highway safety. There has been at least 2 car accidents in Green Lane recently where sightlines have been obscured by parked cars, one involving a motorcyclist being knocked off his motorbike by a car edging out onto Green Lane from Orchard Way. The introduction of a six flats scheme onto a single plot increases the highway movements on and off the drive by a multiple of 6. The shortage of parking on the site exacerbates this because the residents and visitors will have to reverse away again because they won't find a space to park. So they will park on the lane, obstructing the visibility and there will be more accidents.

For the above reasons we ask again the Council to refuse the revised plans. Mr & Mrs Waller look forward to your site visit to consider the above matters.

31 Green Lane amended plans

I would like to object to the above mentioned planning application on the following grounds:

1. I would like to refer you back to the National Inspector's refusal document Ref: APP/A1910/W/17/3170787 relating to the original plans submitted for the combined plots of 35 & 33 Green Lane where the inspector made it very clear that his grounds for refusal were in respect of:
 - a. The fact that the proposal was out of character with the surrounding area and the nature of

Green Lane which is characterised by large family homes, set back from the road in a quiet semi-rural setting

b. The detrimental impact of the proposal on the neighbouring properties and occupiers.

In my view, this application, as recently amended, still contradicts the guidance given by the inspector and continues to propose a scheme that is both highly inconsistent with the surrounding properties in Green Lane and continues to significantly impact the neighbouring occupiers at 37 Green Lane

2. I note that some changes have now been made to this proposal with the structure having been centred in the plot at No.35. Despite this the plans still detail parking spaces for only 6 cars even though the scheme continues to propose six two-bedroom flats. Clearly this plan for vehicle parking is insufficient and therefore I can only conclude that the plans are not detailing the true extent of proposed vehicle parking spaces at the front or the plan is for vehicles to park at the side or rear of the proposed property or on the road which is I think inconceivable in Green Lane which has no space and only a pathway on one side of the road.

a. I note the room now available both sides of the proposed structure (>4mts) and the fact that there are no plans detailed for the rear garden area. I am very concerned that the developer may subsequently construct parking at the side or rear of the structure which would entirely contradict the guidance given by the inspector regarding the original proposal made in 2016 concerning the use of the rear garden area and the unacceptable noise nuisance this will lead to for the occupiers of No.37.

3. I note again that there are no detailed plans given for the rear of the site and how it will be used or allocated to owners of the proposed flats. If this is to be a shared garden area for residents, I fear that the noise created by what could be at maximum 12 residents plus guests could be very significant and have a detrimental effect on the occupiers of No.37 Green Lane and indeed on me at No.31

4. There appears to be no plans at all for the 18 waste bins that will be required for the proposal

5. The frontage of the property as proposed, despite some increased planting included in the amended plans will remain incongruous in Green Lane and appear urban in the semi-rural setting of the lane. Indeed, if increased vehicle parking is the reality, the frontage will have to be a "sea" of concrete which would increase the urban nature of the proposal.

6. I note that there will be living room and kitchen windows directly facing No.37. I believe that this is inconsistent with standards where such overlooking windows should be at minimum 12 Mts away and should be obscured and potentially fixed shut. This severely threatens the privacy of the occupier at No.37 in my opinion and again is inconsistent with the findings and recommendations of the Inspector in the original case submitted in 2016.

7. I am very concerned that these plans make no reference at all to any proposal for No.33 Green Lane (located directly next to my house at 31 Green Lane). This is despite the fact that the developer owns No.33 as you know and which is directly referred to in the original Design & Access Statement to this application – both No 35 and 33 circled by the red site line!

I believe that professional planning standards call for planning to be complete in all respects for the entire scheme being proposed. Clearly without revealing at this stage the plans for No.33, these plans are incomplete and are not revealing the overall scheme of the developer for the combined site.

In respect of the above comments I object to the proposal as amended and respectfully request that you refuse it.

37 Green Lane

I am writing on behalf of Mr & Mrs Waller, the owners and occupiers of No. 37 Green lane, Bovington. This property is immediately adjacent to the development site on its south west side. We write to record our objections to this planning application on the following grounds:

1. The application is for six two-bedroom flats. We consider this to be out of character in principal with the use of this part of Green Lane which is characterised by family houses and gardens. The application design statement states that it is designed as a 'single house'. But in fact this is a block of flats with a car park in the front.
2. There doesn't seem to be any consideration of the design and landscaping of the frontage in the setting of the Lane. The design and plans seem incomplete.
3. The parking standard is too low. In our opinion 2-bedroom flats are likely to demand two cars each and in reality if permitted this scheme would end up having a bigger car park in front otherwise the cars are going to spill out on to the highway.
4. The proposals seem to us not to relate at all well to the site. There is a big gap on the left hand side. What is the proposal for this open space? There doesn't seem to be any logic as to the position or shape of the building. Why is it placed close to one side and not the other?
5. Why does the building need to project nearly 8m in a 'T' shape into the garden when the same area could be built at the front, without projection? It is almost as if another scheme has been pasted on from a different site. The scheme does not seem right on this site, it is haphazard and unconvincing in our opinion.
6. We object to the side facing living rooms on both floors having windows facing directly towards the rear garden of Mr & Mrs Waller's house. The distance between the side windows and the boundary and is less than 6m. We consider standards call for that dimension to be 12m.
7. As a result this proposal will harm the privacy and amenity of Mr & Mrs Waller's property by sideways overlooking into their house and garden.
8. We note the reduction in height from earlier schemes. Like Mr & Mrs Waller's house, the proposal has a crown flat roof. What is the purpose of the second storey dormer window? Is there a proposal to build a further storey e.g. by conversion of the roof space?
9. In the applicant's supporting statement it says the existing site has one house. However the red line site plan in the statement is around two houses.
10. What is the applicant's proposals for the other house? In the interests of proper planning the application should consider the complete picture.

In summary this application seems unrealistic, and an incomplete and undeveloped design and for the above reasons we ask the Council to refuse it.

31 Green Lane

1. Plan in keeping with the character of the lane
2. Avoid overbearing impacts on neighbouring property and
3. Avoid an "urban" street scene in the lane

... and here again we have a very large building encroaching a long way into the Garden area

of No.35 impacting Mr & Mrs Waller at No. 37. A large parking area at the front for 6 car park spaces and not even a mention of the many waste bins that will be necessary. I see no mention of visitors car parking or even the likely reality of where the second car for each flat will park and a roof ridge height that whilst apparently level with No.35 is one that is much higher than No.33 and my house at No.31.

It seems clear to me, given the positioning of the building (close to No.35), that the plan is to achieve permission for this building and then subsequently to knock down No.33 (which Bull Homes own as you know) and build a second set of flats next to me at No.31 completing a further material step into a total transformation of Green Lane from a lane of detached well spread houses and bungalows into a lane which will be characterised by an increasing amount of fairly cramped Semis and large buildings separated into flats – not at all the “semi-rural location that is has always been!

42 Rymill Close

We object most strongly to this planning application.

There are no other flats in Green Lane and we are concerned that the change in use of this site will adversely affect the visual street scene. It will be out of keeping with the surrounding properties.

We are also concerned about the increase in traffic as a result of the change from Houses.