

4/01315/18/FUL	DEMOLITION OF EXISTING KENNELS AND CONSTRUCTION OF A COURTYARD OF THREE DWELLINGS AND ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING.
Site Address	HAZEL CORNER DOG HOTEL, WINDMILL ROAD, MARKYATE, AL3 8LP
Applicant	
Case Officer	Rachel Marber
Referral to Committee	Contrary views of Markyate Parish Council

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 The proposed demolition of the existing kennels and construction of a courtyard-style three dwellings would be an appropriate form of development in the Green Belt which would not impact upon the visual or physical sense of openness to the Green Belt. Further, the proposal would not result in detrimental impact to the visual amenity of the surrounding area or have an undue impact upon the residential amenity of the neighbouring residents. The proposed development therefore complies with the National Planning Policy Framework (2018), Policies NP1, CS1, CS4, CS5, CS8, CS11, CS12, CS17, CS18, CS26 and CS35 of the Core Strategy (2013) and Saved Policies 10, 18, 21, 57, 58, 97, 99 and 100 and Appendices 3 and 5 of the Local Plan (2004).

3. Site Description

3.1 The application site is located to the east of Windmill Road and comprises a Dog Hotel business with associated residential accommodation for the staff. The site is located within the Metropolitan Green Belt, in a relatively rural location, outside the defined village boundary of Markyate.

4. Proposal

4.1 The application seeks permission for the demolition of the three existing kennel buildings and associated staff accommodation and construction of 3 courtyard style dwellings each comprising four bedrooms.

5. Relevant Planning History

4/02336/15/DRC DETAILS OF CONDITIONS 3 (LANDSCAPING) AND 5
(CONTAMINATION) ATTACHED TO PLANNING PERMISSION
4/01530/14/FUL
Granted
28/08/2015

4/01530/14/FUL ERECTION OF TWO BEDROOM STAFF ACCOMMODATION BUILDING
Granted
05/11/2014

4/01046/07/DRC DETAILS OF LANDSCAPING WORKS REQUIRED BY CONDITION 3 OF PLANNING PERMISSION 4/01813/06 (DEMOLITION OF EXISTING BOARDING KENNEL (BLOCK A) AND CONSTRUCTION OF THREE SINGLE STOREY BOARDING KENNEL BLOCKS)

Granted

26/06/2007

4/01813/06/FUL DEMOLITION OF EXISTING BOARDING KENNEL (BLOCK A) AND CONSTRUCTION OF THREE SINGLE STOREY BOARDING KENNEL BLOCKS

Granted

10/10/2006

4/02094/98/4 SINGLE STOREY REAR EXTENSION, FIRST FLOOR SIDE EXTENSION AND RAISING ROOF OVER ATTACHED KENNELS

Granted

12/02/1999

4/01470/95/4 SINGLE STOREY BUILDING FOR RECEPTION OFFICE AND ISOLATION BOARDING KENNELS

Granted

30/01/1996

6. Policies

6.1 National Policy Guidance (2018)

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy – (2013)

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS5 - The Green Belt

CS8 - Sustainable Transport

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS17 - New Housing

CS18 - Mix of Housing

CS26 - Green Infrastructure

CS35 - Infrastructure and Developer Contributions

6.3 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 34 – Other land with Established Employment Generating Uses

Policy 57 - Provision and Management of Parking

Policy 58 - Private Parking Provision

Policy 99 - Preservation of Trees, Hedgerows and Woodlands

Policy 100 - Tree and Woodland Planting

Appendix 3 - Layout and Design of Residential Areas

Appendix 5 - Parking Provision

7. Constraints

Metropolitan Green Belt

Special Control for Advertisements

8. Representations

8.1 Consultee Responses

These are reproduced in full at Appendix A

9. Considerations

9.1 The main issues to consider are:

- Principle of development
- Principle of development in the Green Belt
- The quality of the design and the impact on the character and appearance of the area
- The potential impact on the living conditions of future occupants and surrounding residential units
- Highway safety and parking provision
- Impact on trees and landscaping
- Protected Species
- The unit tied to the existing business
- CIL

Principle of Development

9.2 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.

9.3 The application site is situated within a semi-rural area, located within the Metropolitan Green Belt and outside the defined village boundary of Markyate. With regards to the above,

the proposal would be contrary to the Council's overall housing strategy which seeks to channel development towards larger urban areas away from more rural locations. Nevertheless, Policy CS1 of the Core Strategy states development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported. Further, the National Planning Policy Framework (NPPF) (2018) encourages the effective use of land by reusing land that has been previously developed.

9.4 The proposal would result in economic benefits during the construction of the units however; the proposal would result in the loss of a business use resulting in the long term loss of jobs and employment (3 full time jobs, 3 temporary jobs). Nevertheless, the site is not of designated employment and therefore alternative non-employment development will be accepted if the proposal accords with the development strategy in accordance with Saved Policy 34 of the Local Plan (2004).

Principle of development in the Green Belt

9.5 The application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are openness and permanence. There is the presumption against inappropriate development in the Green Belt, as advised by The National Planning Policy Framework (2018). Inappropriate development is, by definition, harmful to the Green Belt unless a case of very special circumstances can be demonstrated which would outweigh this harm.

9.6 Therefore, the main issues to consider in terms of Green Belt policy are the appropriateness of the development, effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt. If the development is inappropriate a case of very special circumstances would need to be put forward to justify its approval.

Appropriateness

9.7 The site lies within the identified Green Belt, where the Green Belt Strategy is set out in the NPPF (Section 13: Protecting Green Belt Land). The most relevant paragraph of this document is paragraph 145 which states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, unless they fall within one of the exceptions set out Policy CS5 of the Core Strategy (2013) also summarises acceptable small-scale development which would be permitted.

9.8 The proposed development would be located on a piece of land which has been previously developed, in accordance with the definition for previously developed land (PDL) within Annex 2 of the Framework.

9.9 Policy CS5 of the Core Strategy (2013) states that the redevelopment of previously developed sites may be acceptable. Additionally, the NPPF (2018) states that the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) would be appropriate provided there would be no greater impact on the openness of the Green Belt than the existing development, or

would not cause substantial harm to the openness of the Green Belt when contributing to meeting an identified affordable housing need within the area.

9.10 Taking the above into account, subject to the proposal having no greater impact in terms of the openness of the Green Belt the partial redevelopment of this PDL would constitute appropriate development within the Green Belt, in accordance with identified local and national policy.

Openness

9.11 The application site is located on the edge of Markyate, which is considered to be a large village, outside of the defined settlement boundary. The site is located off Windmill Road with a public footpath running along the entire eastern boundary of the site. The site is within use as a dog hotel business and subsequently comprises three main low scale kennel buildings and two houses for staff accommodation. All buildings associated within the existing site use as a Dog Hotel would be demolished as part of this application.

9.12 The proposed volume and floorspace comparison of the extensions are set out below.

Comparatives	Footprint sqm	floorspace sqm	volume
Buildings to be demolished	827	827	2242
Proposed three dwellings	383	620	1797
Reduction	-53%	-25%	-20%

9.13 The staff accommodation granted within application ref: 4/01530/14/FUL, and to be demolished under this application, has not be included in this floorspace/volume comparison. Given the above calculation the proposal would result in a reduction of physical built form on the site and therefore would enhance the openness to the Green Belt.

9.14 A plan showing existing and proposed hard surfacing has also been submitted alongside the planning application and although this demonstrates that hardstanding within the site will be slightly increased, with a slight encroachment into the adjacent open field, the proposal would relatively retain existing build footprint. As such, the proposal would result in a more concentrated form of development proposed. The benefit of this is that the proposed development would create less sprawl within the site and subsequent development close to site boundaries, reducing the visual prominence of the proposal. This is evident through the footprint comparison shown above, again improving the openness of the site from the visual sense.

9.15 In terms of physical permanence changing the use of the site to residential would result in the introduction of further built physical presence in the form of landscaping and boundary treatment such as, hard surfacing, cars, vegetation and fencing in addition to three, one and half storey dwellings which would result in a larger concentration of built form. Nonetheless, it is considered that the level of harm caused by such residential paraphernalia can be controlled by use of condition requesting landscaping details which would soften the appearance of the close boarded and stock fencing proposed and removal of Permitted Development Rights.

Summary

9.16 Taking all of the above into account, although the proposal would result in an increased concentration of built form on the site it would reduce site sprawl, visual prominence and overall built form thereby improving both the physical permanence and sense of openness at the site. As such, the proposal is not considered to result in greater harm to the openness of the Green Belt and as such is considered in accordance with Policy CS5 of the Core Strategy (2013) and NPPF (2018).

The quality of the design and the impact on the character and appearance of the area

9.17 Paragraph 127 of the NPPF (2018) states that, decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

9.18 In addition, paragraph 130 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.'*

9.19 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' of 10, 18, 21 and Appendix 3.

9.20 The application site is not overtly visible from the immediate street scene (Windmill Road) or adjacent footpath which runs parallel to the north and east of the site, due to heavy vegetation lining the street, single storey nature of existing outbuildings and rural location. Moreover, due to the varied character of the area there is no particular uniformed architectural style or dwelling form.

9.21 The proposal comprises the construction of three, one and a half storey courtyard style dwellinghouses. The proposed dwellings have been design to be of rural appearance and material to provide an unobtrusive appearance which is sympathetic to the open countryside environment.

9.22 The DBC conservation and design officer was consulted on the planning application and provided the following comments:

"If the principle of developing the site is accepted, and other planning issues regarding Green

Belt are overcome, then from a design perspective, in attempting to meet a 'farm courtyard' layout, the proposal is weak and the layout contrived. If this 'model' of a more traditional farm layout is to be followed, there needs to be more of a sense of hierarchy to the various units, with some more diversity introduced in terms of detailing and materials – as would be found in other examples in the area. The U-shaped plan could be modified by

Modulating the central range by raising part of the roofline to introduce an, open 'barn' element with larger 'barn door' glazing to this element (to replace the projecting porch, and avoiding projections off the linear layout).

extending the plot A wing forward of the main range, possibly to incorporate car spaces as part of a 'cart shed' extension to the existing range, so moving some of the intrusive parking from the central courtyard space.

Modifying the individual units, perhaps introducing some flint, stable-like doors, modifying the fenestration to have vertical.”

9.23 These suggested revisions have taken place and it is considered that the design of the new dwellings would result in a visual improvement to the site than the currently existing structures.

9.24 As such, the demolition of the existing low quality kennel buildings and construction of three courtyard barn-style dwellings are considered to have minimal impact to the visual appearance of the area, with a palette of materials selected which would be sympathetic to the rural surrounds. As such, the proposal is considered compliant with Policies CS10, CS11, CS12 of the Core Strategy (2013) and Saved Policies 10, 18 and 21 of the Local Plan (2004).

Effect on Amenity of Future Occupiers and Neighbours

9.25 The NPPF (2018) outlines the importance of planning in securing high 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.

9.26 The proposed units would be located 80 metres approximately away from neighbouring residents at White Acres and 45 metres approximately away from the existing residential property at Hazel Corner. Neighbouring resident Newlands would be over 100 metres away from the proposal site, located to the west. Given this distance it is not considered that the proposed development would result in unacceptable impacts on the living conditions of the occupants of surrounding residential properties, in terms of overbearing, overlooking and loss of light.

9.27 Turning to the living conditions the proposal would afford future residents. Saved appendix 3 of the Local Plan (2004) states that external amenity of at least 11.5 metres should be should be provided.

9.28 Plot A would have a garden depth of 16 metres, Plot B 13.5 metres and Plot C 14.5 metres. It is important to note that Plot A and C have wrap around gardens which the depth of has not been calculated. The external amenity space allocated for future residents is

considered sufficient.

9.29 Given the above the proposed development would not cause a loss of outlook or privacy to neighbouring residents and provide a sufficient standard of amenity for future occupiers. The proposal is therefore compliant with the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

Highway Safety and Parking Provision

9.30 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2018) 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 adequate provision of spaces for ultra-low 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.

9.31 The application seeks to provide 3x four bed dwellings which would require 3 spaces per dwelling, totally 9 parking spaces. The proposal would provide 9 parking spaces in total; 2 spaces for Plot C, 3 spaces for Plot B and 4 spaces for Plot A.

9.32 The proposal would provide a new private driveway which will run parallel to the adjacent field, through the existing staff accommodation and into the site. This private drive will connect to the existing site access. Hertfordshire Highways were consulted on the proposal and raised no objection, providing the following summative comments:

- Drawing no 473-100-A indicates that the exiting access will be utilised. However, any changes to this access must be undertaken by approved contractors.
- Herts Fire and Rescue have been consulted on the length of the proposed driveway. Their response is "Having looked at the plans the turning area looks usable – the question would be the weight it could take which should be 19 tonnes for a fire appliance."
- Windmill Road is an unclassified local access road, with a speed limit of 30mph. Vehicles are therefore not required to leave and enter the highway in forward gear.
- I notice drawing no 473-100-A that the proposal is to have automatic gates across the driveway, which are set back the required distance from the footway.

9.34 The proposed access gates have subsequently been removed from the proposal.

9.35 Due to Highways raising no objection and sufficient off street parking provision, the proposed development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal would be considered compliant with the NPPF (2018), Policies CS8 and CS12 of the Core Strategy (2013), Saved Policies 57 and 58 and Appendix 5 of the Local Plan (2004).

Impact on Trees and Landscaping

9.36 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.

9.37 The existing site is relatively sparse in terms of existing vegetation. The proposal seeks to reinforce existing boundary hedging and where appropriate soften the appearance of the proposed development and hardstanding introduced with further shrubs. This is considered important to achieve a high quality development, further information on tree type, size and density number to be planted has been recommended by way of condition.

Protected Species

9.38 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs paragraphs 174-177), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS26 of the Core Strategy (2013) states that proposals should contribute to the conservation of habitats and species.

9.39 The demolition of any building carries a risk of harm to bats. Herts Ecology was consulted on the planning application and have not provided a response within the statutory timeframe. Nevertheless, the onus of this falls on the applicant and therefore an informative in this regard has been attached to the recommended grant consent

The unit tied to the existing business

9.40 In 2014 (4/01530/14/FUL) permission was granted for the erection of a two bedroom dwelling to serve as staff accommodation for the site business use. Condition 4 attached to this permission restricted the occupation of this unit to persons solely employed by the Hazel Corner Dog Kennels business. The use of the premises for staff employees was considered as a sufficient case of special circumstances to justify the grant approval. For this reason these units will be demolished under the current application but have not been included within the Previous Development Land floor space and volume comparison.

Community Infrastructure Levy (CIL)

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

10. Conclusion

10.1 The proposed demolition of the existing kennels and construction of a courtyard-style three dwellings would be an appropriate form of development in the Green Belt which would

not impact upon the visual or physical sense of openness to the Green Belt. Further, the proposal would not result in detrimental impact to the visual amenity of the surrounding area or have an undue impact upon the residential amenity of the neighbouring residents. The proposed development therefore complies with the National Planning Policy Framework (2018), Policies NP1, CS1, CS4, CS5, CS8, CS11, CS12, CS17, CS18, CS26 and CS35 of the Core Strategy (2013) and Saved Policies 10, 18, 21, 57, 58, 97, 99 and 100 and Appendices 3 and 5 of the Local Plan (2004).

11. RECOMMENDATION – That planning permission be **GRANTED** the reasons referred to above and subject to the following conditions / for the following reasons:

Conditions/Reasons for Refusal

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Planning Statement DLA Ref: 17/227 May 2018 473-100-C 473-101-D 425-102-B 425-103 475-105-A 473-01-A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>No development shall take place above damp proof course level 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:</p> <p>hard surfacing materials; soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities; proposed finished levels or contours;</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area; in accordance with Policy CS12 of the Core Strategy (2013).</p>
4	<p>All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of</p>

	<p>similar size and species, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development; in accordance with Saved Policies 99 and 100 of the Local Plan (2004).</p>
5	<p>The existing dwelling shown on Drawing No. P0659/13/G dated 13.08.14 shall be demolished and the materials removed prior to the first occupation of the dwellings hereby permitted.</p> <p>Reason: This represents inappropriate development in the Green Belt and was allowed subject to a business tie. As the business will no longer exist this dwelling will need to be removed in order to safeguard and maintain the openness of the Green belt in accordance with the Core Strategy Policy CS5 (2013) and the NPPF (2018).</p>
6	<p>The bath and en-suite windows at ground floor level in the front and side elevations of the dwellings hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and future occupiers of the application site; in accordance with Policy CS12 of the Core Strategy (2013).</p>
7	<p>All existing structures shown for demolition in plan ref: 473-100-B shall be demolished and the materials removed prior to the first occupation of the development hereby permitted.</p> <p>Reason: To safeguard and maintain the openness of the Green Belt in accordance with Policy CS5 of the Core Strategy (2013) and the NPPF (2018).</p>
8	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:</p> <p>Schedule 2 Part 1 Classes A, C and E</p> <p>Reason: To safeguard and maintain the openness of the Green Belt in accordance with Policy CS5 of the Core Strategy (2013) and the NPPF (2018).</p>
9	<p>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.</p> <p>For the purposes of this condition:</p> <p>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</p>

	<p>'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Core Strategy (2013).</p>
10	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 9 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.</p> <p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Core Strategy (2013).</p> <p>Contamination 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.'</p> <p>Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk</p> <p>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.</p>
11	<p>No development shall take place above damp proof course level until information on the number and position of fire hydrants has been submitted to and approved in writing with the Local Planning Authority. The relevant details shall include information on how the hydrants will be incorporated into the mains water services whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus. The fire hydrants shall be implemented prior to occupation of the new units.</p> <p>Reason: In the interests of health and safety; in accordance with Policy CS12 of the</p>

12	<p>Core Strategy (2013).</p> <p>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.</p> <ul style="list-style-type: none"> 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 i) Construction or Demolition Hours of Operation j) Dust and Noise control measure k) Asbestos control measure where applicable <p>The construction of the development shall only be carried out in accordance with these approved details.</p> <p>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) Policies CS8 and CS12.</p>
13	<p>The proposed access, driveway and turning area hereby approved and detailed in plan ref: 473-100-B shall have capacity to carry 9 tonnes vehicles.</p> <p>Reason: To ensure safe and satisfactory means of access in accordance with Policies CS8 and CS12 of the Core Strategy (2013). Highways Informative</p> <ol style="list-style-type: none"> 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

<p>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.</p> <p>Article 35 Statement</p> <p>Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 41) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>

Appendix A

Consultation responses

Herts Property Services

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

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

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

Building Control

I have taken at the proposal and my comments are below:-

- Approved document B – confirmation that turning head is keep clear at all time
- Approved document M – confirm level threshold for disable Access

Herts Fire and Rescue

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

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

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the

proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

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

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

Section 106 planning obligation clauses can be provided on request.

Justification

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

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

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

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

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

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

(ii) Directly related to the development;

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

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

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

Environmental Health

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/01315/18/FUL for the demolition of existing kennels and construction of a courtyard of three dwellings and associated access, car parking and landscaping.

Please be advise that we have **no objection to the proposed development in relation to Noise, Air Quality and land contamination.**

However, with the proposed development located within 20metres of a former contaminated land use i.e. landfill/refuse site, 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.

Therefore, the construction of the development shall only be carried out in accordance with the approved Construction Management Plan which 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.
- i) Construction or Demolition Hours of Operation
- j) Dust and Noise control measure
- k) Asbestos control measure where applicable

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.

I hope the above clarify our position on the submitted application?

Markyate Parish Council

Objection

This is Green Belt area and also the road is unsuitable. Strongly object.

DBC conservation

If the principle of developing the site is accepted, and other planning issues regarding Green Belt are overcome, then from a design perspective, in attempting to meet a 'farm courtyard' layout, the proposal is weak and the layout contrived. If this 'model' of a more traditional farm layout is to be followed, there needs to be more of a sense of hierarchy to the various units, with some more diversity introduced in terms of detailing and materials – as would be found in

other examples in the area. The U-shaped plan could be modified by

- Modulating the central range by raising part of the roofline to introduce an, open 'barn' element with larger 'barn door' glazing to this element (to replace the projecting porch, and avoiding projections off the linear layout).
 - i) extending the plot A wing forward of the main range, possibly to incorporate car spaces as part of a 'cart shed' extension to the existing range, so moving some of the intrusive parking from the central courtyard space.
- Modifying the individual units, perhaps introducing some flint, stable-like doors, modifying the fenestration to have vertical.

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:

CONDITIONS

1. Prior to the first occupation of the development hereby permitted the proposed access /on-site car and cycle parking / servicing / loading, unloading / turning /waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan " drawing no 473-100-A " 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 any access gates, bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6 metres (this may be reduced to 5.5) metres from the near channel edge of the adjacent carriageway.

Reason: To enable vehicles to safely draw off the highway before the gates are opened.

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 kennels and construction of a courtyard of three dwellings and associated access, car parking and landscaping.

PARKING

The proposal includes a total of 12 parking spaces for the proposed new dwellings.

ACCESS

There is an existing access onto Windmill Road. Although in section 6 of the application form the applicant has indicated that this proposal includes new or altered pedestrian and vehicle accesses, drawing no 473-100-A indicates that the existing access will be utilised. However, any changes to this access must be undertaken by approved contractors.

The same drawing shows that the proposed driveway is 3.5m wide and approximately 80m long, with a turning area proposed for large vehicles. Herts Fire and Rescue have been consulted on the length of the proposed driveway. Their response is "Having looked at the plans the turning area looks usable – the question would be the weight it could take which should be 19 tonnes for a fire appliance."

Windmill Road is an unclassified local access road, with a speed limit of 30mph. Vehicles are therefore not required to leave and enter the highway in forward gear.

I notice drawing no 473-100-A that the proposal is to have automatic gates across the driveway, which are set back the required distance from the footway.

I notice also that there is a public footpath running along the NE boundary of the site. This must be kept clear of obstructions at all stages of construction.