

4/01941/18/OUT	CONSTRUCTION OF UP TO 3 NEW HOUSES, TWO NEW VEHICULAR ACCESSES AND WIDENING OF EXISTING VEHICULAR ACCESS. ALTERATIONS TO EXISTING HOUSE.
Site Address	SHOTHANGER, SHEETHANGER LANE, FELDEN, HEMEL HEMPSTEAD, HP3 0BG
Applicant	Mr Boddy, Shothanger
Case Officer	Sally Robbins
Referral to Committee	Called in by Cllr Riddick on the grounds of residential amenity and impact on character and appearance of the area

1. Recommendation

- 1 That planning permission be **Delegated with a View to APPROVAL** subject to the expiry of the consultation period.

2. Summary

2.1 The application site is located within the urban area of Hemel Hempstead wherein residential development is acceptable in principle, subject to compliance with other policies in the development plan. The site is located within the Felden East Character Area (HCA5) where infilling and redevelopment may be acceptable according to the development principles. One of the development principles indicates that there should be a 10m separation distance between dwellings fronting Sheethanger Lane.

2.2 The proposed dwellings would be in the range of 4-8m apart, with separation distances of over 10m maintained between the proposed dwellings and existing dwellings Woodriding and The Pines, which is considered to be compatible within the context of the surrounding area. Given the satisfactory separation distance maintained between existing properties Woodriding and The Pines, added to the substantial screening and orientation of the dwellings, there will be no significant impact in terms of residential amenity. The proposal thus complies with Policy CS12 of the Core Strategy (2013). Indicative car parking provision within the site is acceptable and in accordance with Saved Appendix 5 of the Local Plan (2004).

3. Site Description

3.1 The application site is located on the northwest side of Sheethanger Lane in the Felden area of Hemel Hempstead. The site comprises a detached two-storey dwellinghouse with two single storey side extensions. The application site measures 0.4 hectares and occupies a slight bend in Sheethanger Lane.

4. Proposal

4.1 The application seeks outline planning permission for up to three dwellings, the construction of two new vehicular accesses, the widening of the existing vehicular access and alterations to the existing dwelling. All other matters are reserved, including appearance, landscaping, layout and scale.

4.2 The submitted indicative site layout plan shows that the dwellings would follow the existing meandering building line along Sheethanger Lane and would be oriented with frontages addressing the street. The side extensions to the existing dwelling would be demolished and the site would be sub-divided into four separate curtilages. The detailed design and specific siting of the proposed houses remains to be considered at the reserved matters stage.

5. Relevant Planning History

None

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy

Policies NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS17, CS18, CS29, CS31, CS32, CS35

6.3 Saved Policies of the Dacorum Borough Local Plan

Saved Policies 10, 13, 18, 21, 51, 57, 58, 99, 100, 101
Saved Appendices 3 and 5

6.4 Supplementary Planning Guidance / Documents

- Area Based Policies (May 2004) - Residential Character Area HCA 5:Felden East
- Accessibility Zones for the Application of car Parking Standards (July 2002)

7. Constraints

- Former Land Use
- Tree Preservation Order (adjacent sites)

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Layout, Design, Scale and Visual Impact
- Impact on Highway Safety
- Other

Policy and Principle

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. Furthermore, within the Core Planning Principles outlined in the NPPF (2018) there is heavy emphasis on the planning system's responsibility to

deliver more homes. Paragraph 59 of the NPPF stresses this further, seeking to boost the supply of housing and paragraph 118 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Paragraph 68 of the NPPF states that decision makers should give great weight to the benefits of using suitable sites within existing settlements for homes. Additionally, Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

9.3 Taking all of the above into account, the proposal is acceptable in principle and would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and would seek to optimise the use of urban land. The proposal is in accordance with Policies CS1, CS4 and CS17 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2018).

Layout, Design, Scale and Visual Impact

9.4 Core Strategy (2013) Policies CS11 and CS12 state that development within settlements should respect the typical density in the area, integrate with the streetscape character respect surrounding properties. The application site is located within the Felden East Character Area (HCA5) in the SPG where infilling and redevelopment may be acceptable according to the development principles. The Felden East Character Area Appraisal (HCA5) notes the following design principles:

- *Design:* No special requirements. Variety and innovation in design acceptable.
- *Type:* Detached dwellings are encouraged, although the conversion of existing large dwellings to flats may be acceptable. The redevelopment of houses standing in large grounds for flats may also be acceptable.
- *Height:* Should not generally exceed two storeys.
- *Size:* Large dwellings are encouraged.
- *Layout:* Wide to very wide spacing (5 m to 10 m and over 10 m respectively) is expected, with a minimum of 10 m spacing for proposals fronting onto Felden Lane and Sheethanger Lane. Informal, irregular layouts are acceptable, although the building line should be followed in Felden Drive. Rear gardens to houses will be expected to be provided at over 11.5 m in length.
- *Density:* Should be compatible with the existing character in the density range of 10 dwellings/ha.

9.5 The surrounding area is characterised by detached dwellings with a wide variation in the size, style, design and materials of surrounding properties. Sheethanger Lane is semi-rural in character with open plan landscaped gardens.

9.6 The features described in the Character Appraisal for Felden East (HCA5) would be retained. The spacing is described as being typically over 10m, although mention is made of the fact that plots have been divided extensively with some examples of redevelopment incorporating reduced distances between dwellings of around 5m in Felden Drive.

9.7 The proposed site layout plan indicates three large detached dwellings with large rear gardens, measuring a minimum of 26m deep. Plot 1 would be 21m wide, plot 2 would be 14m wide and plot 3 would be 16.5m wide. The existing dwelling Shothanger would occupy a 25m wide plot. The existing and proposed dwellings would be situated in excess of 5m apart, with the exception of plots 2 & 3, which would be 4m apart. It is acknowledged that this does not

meet the desired 10m separation, however these are guidelines and it is considered that a 4-8m spacing would be compatible with properties in the surrounding area, including: The Coppins & Stanley House, Sheethanger Lane(4.6m); The Pines & Feldenwood, Sheethanger Lane (3.8m); 4a & 4b Felden Drive (3.9m); Boxwood House & Ashford House, Sheethanger Lane (5m); Little Heath House & Felden Thatch, Sheethanger Lane (3.8m); Fullerton & The Doone, Sheethanger Lane (4.5m); 7 & 8 Felden Drive (2m); The Langham, Sheethanger Lane & Littlemore House, Felden Lawns (3.2m).

9.8 The density, type, size and garden depth of the proposed dwellings are considered to be acceptable in the context of surrounding development and comply with the development principles outlined in the Felden East Character Appraisal (HCA5).

9.9 The existing verdant character of the application site would be retained by virtue of the retention (and protection during construction) of the mature trees situated along the frontage. Some of the mature hedgerow along Sheethanger Lane would be removed in order to allow the widening of the existing vehicular access and the construction of two new vehicular accesses.

9.10 Whilst the detailed design, landscaping and scale would be subject to approval at reserved matters stage, it is considered that the proposed three dwellings are acceptable and therefore comply with HCA5 and Polies CS11 and CS12 of the Core Strategy (2013).

Impact on Residential Amenity

9.11 The impact on residential amenity will be fully considered at the reserved matters stage. However, an indicative layout plan has been submitted and therefore the impact of height, scale and window locations can be anticipated to some extent. It is not considered that there would be any significant issues of overlooking or loss of privacy caused by the development.

9.12 The indicative site layout plan shows that the dwelling on plot 1 would be situated approximately 8m forwards of Woodriding. However, a separation distance of 11.3m would be maintained between the side elevations of these two properties. Furthermore, as elevations have not been provided at this time, it would be secured by condition at reserved matters stage that any first floor side facing windows should be obscure glazed and non-opening below a level of 1.7m above floor level. The proposed dwelling on plot 1 would clear a line drawn at 45 degrees from any first floor habitable windows in Woodriding.

9.13 In relation to The Pines, the proposed dwelling on plot 3 would measure approximately 10.5m away at an oblique angle. Again, it would be secured at the reserved matters stage that any side facing first floor windows would be obscure glazed and non-opening below 1.7m.

9.14 In terms of the residential amenity of future occupiers of plots 1,2, 3 and Shothanger, it is considered that there will be no significant detrimental impacts. The layout, spacing and orientation of the dwellings is such that there would be no significant overlooking, loss of privacy or loss of light.

9.15 Overall, the proposal at this outline stage is considered to comply with the criterion in Policy CS12 in relation to residential amenity.

Access

9.16 The site is currently accessed via a driveway leading to a large gravelled parking area. In accordance with the submitted indicative layout plan, the existing vehicle crossover would be widened to provide access to plots 2 and 3. Two new vehicle crossovers would be constructed in order to provide separate access points to plot 1 and Shothanger.

9.17 All three access points would provide safe vehicular access for the existing and proposed dwellings. The submitted indicative layout plan shows that adequate off-street parking could be achieved in accordance with Saved Appendix 5 of the Local Plan (2004). Furthermore, there would be sufficient turning space in order for vehicles to exit the site in forward gear. The Highway Authority has raised no objection to the proposal, subject to conditions to minimise the impact on public highway during the construction period, which would be considered as part of the detailed reserved matters application.

Impact on Trees and Landscaping

9.18 The landscaping of the site is reserved. However, the impact on existing trees needs to be considered as part of this application given that the indicative layout is for determination. There are two area Tree Preservation Order's adjacent to the site, although none of the trees within the site itself are protected. The applicant has provided a Tree Survey Report, which includes a tree protection plan.

9.19 In relation to the widening of the existing access point, there is currently a hard surface covering the extent of the widening. However, method of construction, construction materials or depth of construction has not been provided, all of which can have a significant detrimental impact on tree root systems. The Trees & Woodlands Officer has requested further information with regard to the widening of the access, including construction specifications, along with an Arboricultural Method Statement detailing construction techniques to limit detrimental impact to root systems.

9.20 Additionally, the applicant advises that 'The proposal does not include any plans for additional planting at this stage and given the conclusions of the Tree Survey report there is no evidence to suggest it is needed.' However, owing to the proposed removal of trees, albeit low quality trees, to facilitate the new dwellings the Trees & Woodlands Officer has recommended mitigation tree planting in the form of a Planting Scheme to offset tree losses.

9.21 It is considered that the above details could be satisfactorily secured at reserved matters stage. Moreover, in terms of further landscaping, the proposal offers an opportunity for additional planting and screening, details of which would also be sought under a reserved matters application.

9.22 Subject to the above, the proposal would comply with Policy CS12 and saved Policies 99 and 100.

Impact on Parking & Highway Safety

9.23 The application is in outline with access for determination at this stage. The highway authority has raised no objection to the proposed additional access points and widening of the existing access, subject to conditions to minimise the impact on the public highway during the construction period (a Construction Management Plan), which will be considered as part of the detailed application.

9.24 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2018) states that when setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy 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.

9.25 The existing dwelling (Shothanger) is a six bedroom house, the parking requirement for which is three spaces, which would be retained. Whilst floor plans have not been provided at

this time, the submitted indicative site layout plan shows three car parking spaces for plot 1 and two spaces each for plots 2 and 3. The floor plans, and therefore number of bedrooms, would be considered at reserved matters stage. However, assuming that the dwellings have 4 or more bedrooms each, the maximum parking requirement would be three spaces per unit. The site is located within accessibility zone 4 whereby developments are expected to provide 75-100% of the maximum standard, which equates to 2-3 spaces per dwelling. The proposal falls within these limits.

9.26 Further details regarding hard surfacing would be required at reserved matters stage in order to ensure that there is no detrimental impact upon the character of the area.

Other Material Planning Considerations

9.27 A similar application was allowed at appeal on a neighbouring site (ref. APP/A1910/A/08/2065247/NWF). The planning application submitted (ref. 4/01781/07/FUL) was to demolish Prospect House on Sheethanger Lane, sub-divide the plot and construct two detached dwellings. It was recommended for approval by the case officer, however the application was overturned at Development Management Committee on the grounds that, due to their bulk and mass, the proposed dwellings would have a detrimental impact on the residential amenity of neighbouring properties. Another reason for refusal was given that the proposed development would not integrate with the surrounding area in terms of scale, site coverage and layout and would therefore be detrimental to the character of Sheethanger Lane.

9.28 In terms of the impact on the character and appearance of the area, the Inspector considered that the separation distance between the proposed dwellings of 5m was adequate, having regard to the detailed design of the proposed dwellings and given their plot siting and set back from the road. The Inspector concluded that the development would ensure that the character and appearance of the area would be preserved, subject to the use of good quality materials and a scheme of hard and soft landscaping.

Response to Neighbour comments

9.29 These points have been addressed above other than:

- Lack of detail on critical matters – as it is an outline planning application with all matters reserved other than access, further details would be provided and subject to statutory consultation.
- Environmental protection/biodiversity – there are no wildlife sites within or adjacent to the application site. There are wildlife sites situated 140m to the east (grassland south of Roughdown Common) and 200m to the west Sheethanger Common. The County Ecologist has been consulted and their response is awaited.
- National policy resist inappropriate development of residential gardens – it is recognised that residential gardens are not always suitable for development, however regard is given to the policies with the development plan and guidance contained within the Residential Character Appraisal SPG.

CIL

9.30 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. Conclusions

10.1 The proposed outline application for up to three dwellings through layout, scale and proposed access will not adversely impact upon the character and appearance of the surrounding area or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendices 3 and 5 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11, CS12 and CS17 of the Core Strategy (2013) and the NPPF (2018.)

11. RECOMMENDATION – That planning permission be **DELEGATED** to the Group Manager, Development Management and Planning, with a view to **APPROVAL** for the reasons referred to above and subject to the following conditions:

Conditions

No	Condition
1	<p>Approval of the details of the siting, design and external appearance of the dwellings hereby approved and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.</p> <p>Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.</p>
2	<p>Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.</p>
3	<p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.</p> <p>Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.</p>
4	<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. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan, which shall include details of:</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>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.</p>

5	<p>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.</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 '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 Core Strategy (2013) Policy CS32.</p>
6	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 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.</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 Core Strategy (2013) Policy CS32 and the NPPF (2018).</p>
7	<p>No development, excluding demolition and groundworks, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>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 Arboricultural Method Statement detailing construction techniques to limit detrimental impact to root systems</p>

	<p>Trees to be retained and measures for their protection during construction works Mitigation tree planting in the form of a Planting Scheme to offset tree losses Proposed finished levels or contours Car parking layouts Minor artefacts and structures (e.g. refuse or other storage units, external lighting etc).</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 Dacorum Core Strategy (2013).</p>
8	<p>Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.</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 Dacorum Core Strategy (2013).</p>
9	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>03 revision A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>INFORMATIVES</p> <p>Contaminated Land</p> <p>1. 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</p> <p>2. 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>

Consultation responses

1. Ward Councillor Riddick:

This application does not comply with the following:

- 1) It is Detremental to Residential Amenity.
- 2) It is non compliant with Supplementary Planning Guidance (SPG) 2004.
- 3) It does not comply with CS11 (a) (b) & (d)
- 4) It does not comply with CS12 (a) (c) (d) (f) & (g) i, iii, iv.
- 5) It is non compliant with NPPF 2018
- 6) It does not comply with the requirements of (HCA5) as set out in SPG 2004.

In addition, I would draw your attention to the 33 detailed Objections registered by Local Residents, and that in particular, submitted by the Resident of 'Holly Lodge', immediately opposite the proposed site.

This latter submission is particularly significant, since the Resident is a Barrister whose thoroughly researched, extensive and comprehensive 47 points as submitted on 28/08/18, more than adequately cover all the relevant planning criteria which is contravened.

2. Trees & Woodlands:

With regards to Planning Application 4/01941/18/OUT - Shothanger, Sheethanger Lane, Felden.

The application proposes to construct an additional 3 new houses and widen an existing access. According to the Tree Survey Report submitted, construction of the new dwellings will require four trees (T11, T12, T13, and T14) to be removed. These are categorised as 'C', according to BS 5837:2012 Trees in relation to design, demolition and construction, and not of sufficient quality to pose a constraint to development.

Construction of the dwellings will require encroachment into the Root Protection Areas (RPA) of T5, T6 and T23. Although there is infringement into RPAs tree protection measures, as outlined in the Tree Survey Report, minimises the severity of adverse impacts and the extent of encroachment is not expected to decrease the overall anticipated lifespan or quality of affected trees.

Widening of the existing vehicle access onto Sheethanger Lane is within RPA of T4. Although there is currently a surfaced covering the extent of the widening, method of construction, construction materials, or depth of construction has not been stated. All of which can have a significant detrimental impact on a trees root system, ultimately leading to a reduced expected lifespan or end in catastrophic failure. Consequently, I require the applicant to submit information relating to the widening of the access. This should include construction specifications, taking into account the above points, along with an Arboricultural Method Statement detailing construction techniques to limit detrimental impact to root systems.

In addition, the applicant advises in the Planning Statement (Paragraph 5.10) 'The proposal does not include any plans for additional planting at this stage and given the conclusions of the Tree Survey report there is no evidence to suggest it is needed.'. I would disagree with this statement, owing to the need to remove trees to facilitate the new dwellings. Subsequently, I expect the applicant to support the proposal with mitigation tree planting in the form of a Planting Scheme to offset tree losses.

3. Contaminated Land:

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/01941/18/OUT for the construction of up to 3 new houses, two new vehicular access and widening of existing vehicular access and alteration to existing house.

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 227m of a former contaminated land use i.e. landfill/refuse, 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:

- 1 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.
- 2 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.
- 3 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.

4. Waste Management (Refuse):

Each property should have space to store 3 x 240ltr wheeled bins and a kerbside caddy and have a similar space outside the boundary to present them on collection day

5. Highways Authority:

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.

Planning Application:

This is an outline planning application to address the details of proposed development and also to consider vehicular access, traffic and car parking etc.

Site and surrounding

The existing site is a single dwelling bounded by a large area. The site is in Felden which is a semi-rural neighbourhood close to Hamel Hampstead town and close to railway station. The area is predominantly residential, comprising privately owned detached houses. The existing

house on site is a detached and comprises 6-bedrooms. The vehicular access off Sheethanger Lane leads to an extensive driveway for parking and manoeuvring, as well as the garaging.

Proposal

The proposal is for three new detached dwelling with parking access. The Indicative Layout plan also shows that the proposed houses could be large.

Access and parking The site is currently accessed from Sheethanger Lane via a driveway leading to a large driveway that facilitates parking and turning. This driveway is gravelled. Sheethanger Lane is a not allocated private road and not maintainable by the highway authority. Applicant proposal is to provide two new accesses and widen the existing access. All three accesses are to provide safe vehicular access for the existing and proposed houses. The driveways are to be surfaced with a bound material for a distance that will avoid any loose material being carried onto Sheethanger Lane by vehicles. On-site parking is a matter for the planning authority. **Conclusion** The proposed development is unlikely to have any adverse impact on the wider road network. The Highway Authority has no fundamental objection to the proposal, subject any conditions to minimise impact on public highway during the construction period. These will be considered as part of the detailed application.

6. Strategic Planning and Regeneration:

We do not wish to comment on this application. Please refer to policy/guidance in the DBLP/Core Strategy/Site Allocations as appropriate.

Appendix B

Neighbour notification/site notice responses

Objections

Address	Comments
HOLLY LODGE,SHEETHANGER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG	<p>Re: Planning Application 4/01941/18/OUT - proposal for the construction of up to 3 new houses, two new vehicular accesses and widening of existing vehicular access. Alterations to existing house. Site Address: SHOTHANGER, Sheethanger Lane, Felden, Hemel Hempstead HP3 0BG.</p> <p>1. We write to inform you of our objections to the above-noted proposal. As immediate neighbours to Shothanger (our house being directly opposite the proposed plot 1), we consider that this proposal is an example of excessive over-development which will have a significant detrimental impact on the character and residential amenity of this area of Sheethanger Lane specifically, and the lane generally.</p> <p>SUMMARY</p> <p>2. The proposal fails to conform with Government Planning Policies - it is inappropriate residential garden development contrary to the Government's planning policies (NPPF 2018) and Ministerial Guidance. See paragraphs 11-16 below and Annex 1, attached.</p> <p>3. It contravenes Dacorum's own local planning policies - in particular: Area Based Policy SPG 2004, which expressly states that-</p> <p>'a minimum of 10m spacing for proposals fronting on to Felden Lane and Sheethanger Lane' is specifically 'expected' . At distances of 4m to approximately 5m apart the proposed houses are in direct contravention of this requirement. See paragraphs 17-26 below.</p>

4. The size and spatial separation of the proposed houses will clearly not blend with the surrounding properties - they therefore fail to integrate with the streetscape and character of Sheethanger Lane, as SPG 2004 requires. The proposed development therefore represents an unacceptable over-development of the Shothanger plot which will impact negatively on public amenity. See paragraphs 18-26 below.

5. Past planning approvals - The applicant seeks to rely on past planning permissions as justification for allowing the current application. However, a full and proper reading of these clearly demonstrates that they are not valid comparators in a number of fundamental respects and cannot therefore be relied upon as well-founded or persuasive precedents. See paragraphs 27- 36 below.

6. Lack of detail on critical matters - Scant evidence is submitted as to intended important elements of design, in particular spacing, roof shapes, elevations and any garaging - all crucial to a proper and meaningful planning assessment of eventual plot crowdedness. The applicant's request to have access determined as a preliminary matter should therefore be set aside until more and better quality evidence is submitted. See paragraphs 37 & 38 below.

7. Access to light and overlooking - the close proximity of each of the intended houses to each other and the reduced distances between them and adjacent houses will impair access to light and privacy to all houses concerned. The gardens of all the houses in the proposal will be overlooked. See paragraph 39 below.

8. Cars and Traffic - the additional traffic which will be generated by the new development is unacceptable for this quiet, private lane which is used for leisure by families and children. It poses an amenity and safety risk as will the daily presence of large, heavy, and dangerous vehicles during the construction process. See paragraph 40 below .

9. Trees and hedges - The line of trees and hedges bordering the lane are a strong and defining feature of Sheethanger Lane, especially in this part of the lane which is its most visually characteristic section. They are an important visual and environmental asset and must be preserved and respected. The proposal does not provide for their proper protection and the applicant's recent felling of mature native trees to create open spaces for his proposed plan, gives very serious cause for concern. See paragraphs 41-43 below.

10. Environmental protection/biodiversity - environmental protection is at the forefront of all government policy so it is of concern that no Habitats Directive assessment appears to have been conducted. See paragraph 44 below.

DETAILED REASONS FOR OUR OBJECTIONS CONTRAVENTION OF NATIONAL PLANNING POLICIES

11. Whilst the broad starting point of national and local planning policies is a general presumption in favour of sustainable development, especially in brownfield sites, the acceptability in planning terms of any development still has to be tested against the specific detail of planning policies both at the national and local levels. The proposed development at

Shothanger fails to satisfy planning policies at both levels in a number of important respects and should therefore be rejected. The reasons are as follows.

THE NATIONAL PLANNING FRAMEWORK

12. The National Planning Policy Framework 2018 (NPPF 2018) paragraph 70, is significant in that, in reference to so-called 'windfall sites' such as Shothanger is said to be, it clearly states that local plans should specifically 'consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

13. Ministerial advice emphatically cautions planning authorities against allowing the proliferation of garden developments or what the Minister colloquially terms 'garden grabbing'. In June 2010 HMG (Greg Clark MP) issued a press release followed by a direction to planning authorities. The full text is at Annex I to this letter but the following encapsulates its thrust:

'Councils and Communities are being given immediate powers to prevent the destructive practice of 'garden grabbing' and to decide what types of homes are suitable for their area..... For years the wishes of local people have been ignored as the character of their neighbourhood and gardens having been destroyed'.

The Notes to Editors of this Release go on to state that:

'Reclassifying garden land will enable councils to protect gardens from inappropriate development by planning applications for developments that are objected to by the local community and spoils the character of neighbourhoods.'

14. NPPF 2018 paragraph 127 states that: '...developments should be visually attractive, be sympathetic to local character and maintain a strong sense of place...'

15. The Glossary at annex 2 of the NPPF 2018 sets out the definition of 'previously developed land' (i.e. brownfield) and specifically states that 'This excludes land.....such as residential gardens, parks, recreation grounds and allotments.....'. This definition in the NPPF 2018 was introduced as a response from the government to national criticism that Councils were finding it difficult to justify refusing planning permission on residential garden sites as technically, it was difficult for them to distinguish gardens from 'previously developed land'.

16. Thus, it is clear from the above that when it comes to any potential development of a residential garden such as that at Shothanger, the Government has sought specifically to single out such gardens for particularly careful treatment. The Government clearly expects and envisions that any applications for development that might be allowed in gardens must be tested very prescriptively. It follows that the appropriateness threshold of any proposed garden development needs to be tested to an exceptionally high level of consonance with national and local policies, failing which, it should be resisted as paragraph 70 NPPF 2018 prescribes.

NON-CONFORMANCE WITH THE LOCAL PLANNING DEVELOPMENT PLAN

17. The proposal for Shothanger also fails fundamentally to

satisfy the requirements of local policies in several key respects.

18. The principles governing development in the Dacorum area are contained in the various documents that make up the local Development Plan and must be interpreted and applied with central Government's instruction at the forefront.

Policy CS11: Quality of Neighbourhood Design of Dacorum's Adopted Core Strategy 25th Sept 2013 states that:

'within settlements and neighbourhoods, development shouldrespect the typical density intended in an area and enhance spaces between buildings and general character;'

Policy CS12: Quality of Site Design states that:

'on each site development should:Integrate with the streetscape character; andrespect adjoining properties in terms of: ...Layout...site coverage; scale; height; bulk; materials and landscape and amenity space.'

19. Dacorum's Local Plan 1991-2011 saved policy CS10 recognises the need to maximise available land for development but it is to be noted that one of the principal reasons for this approach, as given in paragraph CS10.3, is to achieve consistency with the Government's advice that maximal use of 'previously developed land 'should' underlie the creation of a more sustainable pattern of land use and development'. The principal overall policy drive is therefore brownfield development, not residential garden development. This is especially so given the designation Dacorum has specifically given to Felden East in which Sheethanger Lane is situated. This designation is contained in Dacorum's Area Based Policies: Supplementary Planning Guidance (SPG 2004).

CONTRAVENTION OF DACORUM'S SUPPLEMENTARY PLANNING GUIDANCE: SPG 2004

20. Dacorum recognises the special environmental character of Felden East and therefore specifically designates it as a Character Area (HCA5) in SPG 2004, stating the following in relation to its character and amenity value:

'A very low density area of detached dwellings set on the south-western edge of the town with extensive landscaping dominating its appearance and producing a very high environmental quality'.

'...the spaciousness of the area results from large private dwelling plots and very wide spacing between dwellings.'

21. In describing this area's typical layout the SPG says - '... spacing very wide, typically over 10m between dwellings and in many cases over 20m in Sheethanger Lane'.

The spacing distance of 4m to approximately 5m apart, for each one of the four houses in the proposed development, clearly falls well outside the ambit of this description.

22. In describing Sheethanger Lane's front gardens and forecourts the SPG states that they are:

'Generally very spacious, well landscaped and comfortably accommodating on-site vehicle parking; this contributes strongly to the almost rural appearance of the area.'

The forecourts of the proposed houses are not generous,

especially when compared to other houses in the lane (see site plan at Annex 2 to this letter for examples of the wide frontages and forecourts of directly adjacent properties: Woodriding, The Pines, Feldenwood and many nearby properties). Furthermore, comfortable on-site parking seems also to be an aspiration incapable of fulfilment especially if, as appears the likely intention, separate forecourt garages are to be constructed at some future point. See below.

23. Under the heading 'Policy Statement' of the SPG 2004, Dacorum confirms that its specific approach to development in Felden East is to 'maintain the defined character' with 'infilling' being possibly acceptable but only 'according to the Development Principles' in the SPG.

24. The Development Principles state expressly that: 'large dwellings are encouraged' and that 'front gardens and forecourts should be provided at a size comparable to adjacent and nearby plots'.

Again, the site plan at Annex 2 illustrates that the intended plots are demonstrably smaller and significantly more crammed together than any of the surrounding houses and other houses in this area of Sheethanger Lane. The development clearly also fails in this respect.

25. As to the required spacing distances for developments in this area, it is particularly important to note that the Development Principles in the SPG unequivocally state that:

'wide to very wide spacing is expected, with a minimum of 10m spacing for proposals fronting onto Felden Lane and Sheethanger Lane'.

The Shothanger houses will all be distanced from each other at significantly less than the requisite 10m minimum. At a mix of distances of 4m to approximately 5m between the four houses concerned, it is clear that they do not accord either with the spirit or letter of this stipulation. This is one of the very particular reasons for which this development should be refused.

26. A site visit will quickly illustrate the fact that the design layout and resultant density of the proposed development will not respect local context or street pattern. Most of the provisions of the SPG 2004 relating to Felden East and Sheethanger Lane as set out above are not respected by this proposal. None of the adjoining or nearby properties have layouts and frontages comparable to the much smaller and cramped dimensions shown for the four houses in question.

The properties along Sheethanger Lane are typically characterised by large, wide plots with large or very large spacing between them. The houses in the proposal do not respect this pattern or the clear minimum spacing of 10m stipulation in SPG 2004. This part of Sheethanger Lane in many ways sets the scene for the rest of the lane. The monolithic crenulated effect which will be created by four houses built so close together will create a serious incongruity. PAST PLANNING APPLICATIONS ARE INVALID COMPARATORS IN THIS CASE

27. Even on the admission of the applicant's agent, Apex Consultants, the proposed houses (at a distance of far less than the required minimum) fail the SPG's distance

requirement. However, they are effectively seeking an exemption from these requirements. For this they pray in aid two previous planning applications for building on Sheethanger Lane (APP/A1910/A/08/2065247 & 4/00431/10/FUL) in which they state that planning authorities permitted spacing distances which were narrower than those required by SPG 2004.

28. It is important to note, firstly, that these applications were submitted prior to the 2010 Ministerial Advice (at Annex2) and paragraph 70 NPPF 2018 (see paragraph 12 above), and therefore, in a different planning climate. Secondly, each case must be determined on its individual merits and therefore great care needs to be taken when precedent is invoked. It is very quickly apparent however, that, when examining both these past applications, they are not properly comparable to the form of development now being proposed for the Shothanger plot. They are not valid comparators and therefore carry little, if any, precedent value. The reasons are as follows. Planning Appeal APP/A1910/A/08/2065247 - Ashford House and Boxwood House

29. The original plot relating to this application contained a single dwelling which was demolished. This left the developers with much greater flexibility for locating the two replacements dwellings on the resultant empty plot than the Shothanger plot is able to provide. Thus, whilst it is the case that a small side section (approximately 4m) of the two houses for which permission was eventually granted was spaced at a distance under the minimum 10m SPG requirement, the plot, taken as a whole, was able to accommodate two houses which were acceptably spaced in relation to each other. They were also generously spaced or amply screened with vegetation in relation to the adjoining houses. One of the houses was built to be off-set to the rear of the other. That meant (see Annex 4 and a site visit will confirm) that only an approximate 4m side section of each house was at a distance narrower than the minimum 10m required in SPG 2004. The proposed Shothanger houses cannot offer such flexibility.

30. The distance from the proposed Shothanger plot 1 and Woodriding to the west will also be reduced as will the distance between plot 3 and The Pines to the east. It inevitably follows that the cramped effect of the proposed development will be overbearing and highly incongruous for this lane. Furthermore, both Ashford and Boxwood House have deep forecourts and the adjoining houses (Redwood and Woodriding) have reduced ridge heights and bulky intervening vegetation. All these elements served to ameliorate any excessive visual bulk created by the curtailed spacing distance between Ashford and Boxwood. The Shothanger plot offers none of these ameliorating factors.

31. Thus, if, as the applicant suggests, the Ashford and Boxwood plots are of precedent value, this is misconceived and indeed, misleading. The comparison is irrational as the two projects are very different in nature, layout and ultimate result. Perhaps the most crucial difference between the two projects is the fact that in relation to Ashford and Boxwood an

appeal was allowed to build only two large houses which were somewhat closer together than the SPG anticipated. The Shothanger proposal contemplates four houses, two of which will be appreciably smaller than either Ashford or Boxwood and very considerably smaller both as to size and frontage than the adjacent properties to the eastern boundary: Feldenwood and The Pines. Indeed they are smaller and more crammed in their plots than most if not all the houses on the Lane.

32. To exacerbate the situation, all four Shothanger houses will be built together all at a distance significantly less than those at Ashford & Boxwood at almost every, if not all, points of their side elevations, contrary to that which SPG 2004 specifically contemplates for house spacing on Sheethanger Lane. If allowed, this would create a crowded row of appreciably smaller houses, markedly closer to each other than any of the neighbouring properties and also, significantly, much closer to the adjacent properties (Woodriding and The Pines). The result would be a very considerably more oppressive visual impact to the character of the Lane than Ashford & Boxwood were ever likely to have. This is significant because no garages (except in relation to Shothanger) are shown on the current plans. If it is the applicant's intention to site garages in the forecourt, it is submitted that there is simply insufficient space for this and the result will be an even more crammed, over-built plot, significantly out of keeping with its setting.

Planning application 4/00431/10/FUL: The Pines & Feldenwood

33. The comparison to this planning permission is also flawed. Firstly, the plot on which The Pines and Feldenwood stand was created by the demolition of a single dwelling which stood on it. This created is a very wide plot which now comfortably accommodates only two, large, very wide-fronted houses - the kind of property and layout that the SPG contemplates as desirable for Sheethanger lane, as a site visit will amply illustrate. By way of comparison, the frontage of a single plot at either The Pines or Feldenwood is roughly the same as the frontage for two houses in the proposed development as the applicant's own plan, at Annex 2, illustrates. As Shothanger would be retained in the applicant's proposal, the natural configuration of the building space available in the Shothanger plot allows for a much narrower available building space per plot than that at The Pines and Feldenwood. The Pines and Feldenwood plot also sits comfortably at each of its outer boundaries creating a very large spacing distance between the current Shothanger to the west and Fullerton to the east. Thus the discretion that the planning officer exercised to allow somewhat less than the SPG limits in between Feldenwood and The Pines was exercised reasonably. This is because all other aspects of layout, design, spatial separation from adjacent plots, house size and frontages, were within what would be expected for the plot and the nature and character of the street, as specifically contemplated by SPG 2004. The vegetation, trees and soft landscaping which surrounded the plot also enabled it

to sit appropriately and naturally in its place on the Lane. However, as to this, recent felling of a large mature Willow by the applicant at the front boundary between Shothanger and The Pines has eroded the appearance and effectiveness of the natural boundary. In an attempt to maximise the available building plot to its absolute limits, the Shothanger plot itself has now also lost the advantage of the mature, attractive screening provided by this Willow and other recently felled trees at its western boundary. This may well impact on the acceptability of plot 3 and plot 1 when tested against the letter and spirit of SPG 2004. (see paragraphs 41-43 below relating to trees and hedges).

34. Regrettably, if plot 3 of the Shothanger development were to be allowed, the distance between it and The Pines would also be reduced by a significant amount (even if it remained at the 10m limit). This would also take away one of the elements that made the development of The Pines and Feldenwood appropriate and acceptable in the first place - its very generous, well-screened separation from adjacent properties, one of which is Shothanger itself.

35. The reference which the applicant's agent makes to Feldenwood and The Pines being 1.6m apart at their closest points is misleading in its selectiveness. The point to which this refers is a very small closed porch area set way back towards the back of the houses at ground floor level, thus not infringing in any way on their visual bulk. This is very minor and does not impact on the fact that in all other respects the houses were highly consistent with the character of the area and the requirements with SPG 2004.

36. We would hold up The Pines and Feldenwood as a development that presents a fair and reasonable balance between the Council's need to increase housing and respect for the surrounding environs of Sheethanger Lane. The proposal at Shothanger, will result in four inappropriately squeezed together houses - the building equivalent of trying to put a square peg into a round hole in order to maximise housing density.

LACK OF DETAIL ON CRITICAL MATTERS

37. The applicant asks for their requested access to be determined as a preliminary matter. We submit that the application, even if described as an 'Outline' contains information that is so scant as to important detail that these cannot be left for 'reserved matters'. The absence of garage sitings, for example, makes the request for a determination of property access pointless at this stage. In this context it is to be noted that the property details for Shothanger published online by estate agents Aitchison's in Berkhamsted (though now no longer accessible) showed each plot as having a free-standing garage building in the forecourt. As these are no longer shown in the submitted plans, the Council should put the applicant to specific proof in this respect, as the introduction of forecourt garages in future will make the development even more inappropriately crowded than it already is.

38. The Council should also carefully scrutinise the applicant's statement that 'in the main' the houses might be sited at a

5+m separation distance. The description of more than 5m 'in the main' gives cause for concern. It is not at all clear where the 'in the main' relates to or how much over 5m is intended and where. The site map does not properly assist with any of this and no other meaningful information is presented to assist in properly determining the actual, eventual separation distances. If it is the applicant's true intention to place houses at greater than a 5m distance in certain sections, the actual distance should be specifically stated. It clearly cannot be the minimum 10m expected by the SPG and is likely to be much less than that. Even if some of the separation distances can be worked out to be technically over 5m, it cannot be much more than 5m as the size of the site simply does not allow for separation distances much wider than 5m. Of course, if the applicant is intending to build considerably smaller houses than those neighbouring it, it might be possible to extract a slightly wider separation distance (though still markedly less than 10m). However, smaller houses, which would still have to be crowded in at a less than 10m separation, would still be contrary to the SPG.

ACCESS TO LIGHT AND OVERLOOKING

39. Shothanger has substantial fenestration on both its west and east walls on the ground and upper floors. The same applies to the back of the house. It is most likely therefore that privacy and light (by virtue of its closeness: approximately 4-5/5+m) to both plot 1 and 2 and the closeness of the latter two plots to Shothanger itself, that light and privacy will be compromised as between all of these three plots. The same is likely to be the case as between plots 2 & 3. Excessive plot proximity will also mean that all houses will overlook each other's gardens. This is particularly so as there will be no mature or substantial vegetation/natural screening between each plot. As the proposed houses will also be closer to the existing adjacent houses, light and privacy issues are likely also to arise here.

CARS AND TRAFFIC

40. At present there is only one car present and in use at Shothanger. On the basis of three cars per plot, the intended development will therefore generate approximately 11 more cars than currently use this area as well as the concomitant utility lorries, delivery vehicles and visitors' cars. This poses a safety and amenity risk and a potential danger to users of the lane. For the applicant to pray in aid NPPF paragraph 109 as justification for this traffic increase as being acceptable is misleading because Sheethanger Lane is not a thoroughfare in the ordinary sense of the term. It is a narrow, private road. Effectively, it is a pedestrian lane used by children to play and ride bicycles and by runners/running clubs and dog walkers, as much as it is a vehicular road. Furthermore, the generation of a significant amount of traffic during the construction process involving large and dangerous, heavy vehicles and demolition equipment turning and manoeuvring in a very tight narrow area, is an amenity and safety concern. As such the rights of residents under the Human Rights Act 1998 (Article 1, Protocol 1 - the right to protection of property; and Article 8 - the right to respect for private and family life)

are engaged and put at significant risk.

TREES & HEDGES

41. The intended removal of the mature, established beech hedge by 7.5m in two places is too wide a distance and would thereby interrupt the sight line and consequently, the streetscape of Sheethanger Lane. There is no proposed protection for this hedge during the construction process. The protection suggested for the Horse Chestnut, marked T4 in the applicant's Tree Survey Report (see Annex 3) and at risk of significant adverse construction damage, appears wholly inadequate.

42. Furthermore, there is a regrettable history of tree felling at Shothanger. In October 2017 large, veteran English Oaks were felled at the extreme front left hand corner of what is now the proposed plot 1, clearly in contemplation of this current application and so as to maximise the available land for the insertion of plot 1 (see annex 6). More recently, specifically on the 28th July 2018, another large majestic tree (a Weeping Willow) was felled at the extreme front right hand corner of the proposed plot 3, clearly again, in contemplation of this planning application, in order to maximise the insertion of plot 3. That intention is clear when one examines the documents accompanying the applicant's Planning Statement. The Tree Survey map dated 26th July 2018 (see Annex 3) shows no Willow tree marked at this location whereas our neighbours and I can personally attest (see photos at Annex 5) that the Willow was still standing at the date the Tree Survey was completed. At Annex 2, the applicant's site plan (clearly mistakenly from their perspective) still shows the willow. Regrettably, nothing can be done at this stage as the trees are sadly irrecoverable. However, the misrepresentation contained in the Tree Survey and the recent conduct already exhibited in relation to these important trees, give serious cause for concern as to the reliability of this application. Strict planning conditions should therefore be imposed as to hedge and tree protection, should the Council be minded to grant this or any future amended request for permission.

43. Ironically, the destruction of such large trees at the far ends of the Shothanger plot has diminished the applicant's ability to argue that adequate natural screening exists between Shothanger and the adjacent houses to the west and east.

ENVIRONMENTAL PROTECTION AND BIODIVERSITY

44. In times in which all government policy is underpinned by concern to protect our natural environment, it is worrying that no consideration appears to have been given to the conduct of an assessment under the Habitat's Directive. It is well-known that there are protected bat species and dormice in this area. Indeed it is known that there is a large bat roost at Roughdown Common at the bottom of Sheethanger Lane. Consideration ought therefore to be given to whether a Habitat's Directive assessment needs to be conducted.

45. For all the reasons set out above, we oppose this planning application. Below is a list of Sheethanger residents who have read this letter, agree its contents and support us in our objection to the development at Shothanger.

	<p>46. If, notwithstanding all of the above, the Council is minded to allow some form of future development at Shothanger, we urge that it should mirror proper comparables on the lane such as The Pines and Feldenwood, which much more accurately reflect the SPG requirements for Sheethanger Lane.</p> <p>47. Given the complexities of the proposal, and the number of residents on Sheethanger Lane who are affected, we request that this matter be put before the Development Management Committee.</p> <p>Yours sincerely,</p> <p>xxxx Barrister</p> <p>Cc: Councillors Adeleke, Barrett and Riddick</p> <p>The following is a list of Sheethanger residents who support these objections. Some others will be providing their objections separately:</p> <p>Mr&Mrs xxxx - Fullerton Mr&Mrs xxxx - Marston House Mr&Mrs xxxx - Feldenwood Mr&Mrs xxxx - Brackenwood Mr&Mrs xxxx - Pan's Place Mr&Mrs xxxx - Felden Lawns Mr&Ms xxxx - Woodriding Mr&Mrs xxxx - Carrigmore Mr&Mrs xxxx - The Coppins Mr&Mrs xxxx - Thornbury Mr&Mrs xxxx - The Coppice Mr&Mrs xxxx - The Pines Mr&Mrs xxxx - The Cobbs Mr xxxx - Longwood Mr& Mrs xxx x- Neo House Mr&Mrs xxxx - Chaileys; Mr&Mrs xxxx - Field End</p>
LONGWOOD,SHEETHAN GER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG	I confirmation of my objection to the above planning application as I am 100% in support of xxxx's reasons for refusal.
FELDENWOOD,SHEETHA NGER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG	Following the letter of objection you received from xxxx (dated 29th August), I would like to formally register that my husband and I fully support all of the objections xxxx raised in the letter.
THE PINES,SHEETHANGER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG	We wish to object to the above proposal. As neighbours directly adjacent to the proposed Plot 3, we are very concerned about the scale and nature of the proposed development. It is our belief that it will have a detrimental effect on local residential amenities and specific adverse effects on us. Our objections are as follows: DETRIMENTAL IMPACT ON RESIDENTIAL AMENITIES

1.1 Felden is a small, low density, residential hamlet on the edge of Hemel Hempstead, surrounded by rolling greenbelt countryside and quiet woodland. It supports a rich variety of wildlife and is recognised by Dacorum Council as a specific Character Area (HCA5, Felden East), possessing 'very strong semi-rural qualities', 'with extensive landscaping...producing a very high environmental quality'. 'Public provision of amenity land is minimal, '.... the spaciousness of the area results from large private dwelling plots and very wide spacing between dwellings' (Area Based Policies: Supplementary Planning Guidance (SPG), 2004).

Sheethanger Lane is the premier road of Felden and the Shothanger plot is located in a most prominent position along it. The lane is quiet and visually attractive; a narrow, private road edged with grass verges, in which sit numerous mature, woodland trees. It is the ambiance and appearance of Sheethanger Lane and its dwellings that makes it such a distinctive and attractive amenity, enjoyed by residents and the wider community, including ramblers and dog walkers (Appendix 1).

The development at Shothanger will harm the local amenities-identified by Dacorum Council as the main contributor to the area's distinctive character- and diminish our right to enjoy a quiet and safe residential environment. Furthermore, we contend that this proposal does not comply with Dacorum's approach to development planning in the Felden area, as set out in two key policy documents: the Adopted Core Strategy (ACS) 2006-2031, 25 September 2013; Area Based Policies: Supplementary Planning Guidance (SPG), 2004.

1.2 The Policy Statement in SPG 2004 outlines the general approach as to 'Maintain defined character' and SPG 2004 further describes layout as being 'very wide, typically over 10m between dwellings and in many cases over 20m in Sheethanger Lane'. Moreover, it is stated under Development Principles SPG 2004 that 'Wide to very wide spacing is expected, with a minimum 10m spacing for proposals fronting onto...Sheethanger Lane'. The proposed development allocates only 4-5m between each one of the four houses, therefore, it is clearly far outside of the 'defined character' expected for Sheethanger Lane.

1.3 Whilst 'infilling' might be acceptable in some instances, it must be 'according to the Development Principles'. The latter states that 'Large dwellings are encouraged' and 'front gardens and forecourts: Should be provided at a size comparable to adjacent and nearby plots'. Thus, the site plan proposed is over-developed and not in line with stated 'Development Principles' in SPG 2004. Plots are significantly smaller, houses are pushed too close together and frontage sizes not at all comparable to those of adjacent and nearby properties.

1.4 Policy CS11: Quality of Neighbourhood Design (ACS 2013) states that developments should 'respect the typical density intended in an area and enhance spaces between buildings and general character' and 'preserve attractive streetscapes'. The proposed development does neither; it is evident that it harms the character and appearance of the area and the amenities enjoyed by neighbouring residents.

Additionally, the removal of established mature hedges to create vehicular access and parking areas, as well as space for the dwellings, will open up the entire development area, particularly to the front and boundary side adjacent to The Pines. This will change the 'attractive streetscape' that is characteristic of Sheethanger Lane, particularly as Shothanger occupies such a prominent position on it.

1.5 Policy CS12: Quality of Site Design (ACS 2004) states that each site development should integrate with the streetscape character, and respect adjoining properties in terms of layout, site coverage, scale, height, bulk, landscaping and amenity space.

As already outlined in points 1.1 to 1.4 above, the proposed development demonstratively fails to do any of the above, being entirely out of keeping with the existing environs. Effectively, it will severely impact the visual appearance of one of Dacorum's designated 'Character Areas', diminishing its distinctive character.

FURTHER SPECIFIC MATERIAL PLANNING CONSIDERATIONS

2.1 Policy CS12: Quality of Site Design (ACS 2004) states that developments should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; retain important trees or replace them with suitable species if their loss is justified; plant trees and shrubs to help assimilate development and softly screen settlement edges. However, the proposal contravenes CS12, as outlined below:

VISUAL INTRUSION

We are extremely concerned that our home, The Pines, will be markedly affected by this proposal, as we will share the outer boundary of plot 3. The removal of a mature, healthy and beautiful specimen of Willow tree, on Saturday 28 July 2018, from the front right hand corner of the plot- immediately prior to submission of the Shothanger planning application, on 2 August 2018- has already eroded the look and effectiveness of the natural boundary between our two properties. The willow provided very significant and attractive screening and the effects of its removal are already evident; an extremely large section of the boundary is now open, exposing our property to visual intrusion from the Shothanger site, and vice versa (Appendix 2). This can only be exacerbated by the

proposed removal of a high hedge, which runs a few metres inside the boundary and around at right angles to it, which provides further effective natural screening (Appendix 3).

We note that the neither the Willow tree nor the hedge close to the boundary were mentioned in the Tree Survey Report supporting the application. It appears they may have posed a 'significant constraint on the design brief' (Tree Survey Report, July 2018) , the objective seemingly to maximise available development land, at the expense of neighbouring properties and the preservation of the local environment.

OVERLOOKING/ LOSS OF PRIVACY

The density of housing in the proposal and the close proximity of plot 3 is worrying. Overlooking will occur, directly onto our main living area, as well as our garden, with resultant loss of privacy. The removal of the above mentioned high, right-angled hedge, will completely remove any natural screening and open a line of sight directly on to that part of our property.

Significantly, the section of the lane between Shothanger and our property bends round and the orientation of our main living and outdoor seating area with respect to the boundary means that we directly face the boundary fence. Consequently, overlooking will be exacerbated by the juxtaposition of the new development and The Pines.

An additional concern is the potential fate of the mature hedgerow that runs along, what will be left of, the boundary fence to our rear garden. This is an attractive feature that offers good screening to the two plots. It was indicated in The Tree Survey Report that this should be retained and two trees near it removed. In view of the recent action- effectively, significant work has already been started without planning permission (Appendix 4)-to remove seemingly unhelpful constraints to the proposed development at Shothanger (two huge oak trees were also removed from the front left hand corner), we are worried about accidental damage to this hedge, either during pre-development removal of the two trees along it, or during the construction process itself, resulting in a further breach of our privacy from overlooking.

2.4 LOSS OF LIGHT OR OVERSHADOWING

Dacorum's Policy CS12 also states that loss of sunlight or daylight should be avoided, and we will lose sunlight and daylight as a result of this development. The orientation of our garden relative to the shared boundary is south facing. Due to its size and spacing, the new dwellings will cast a significant shadow over our property throughout the day. The degree of overshadowing and its impact on us could be very significant, should the final roof heights turn out to be high.

2.5 NOISE AND DISTURBANCE FROM USE

	<p>At present, the spatial separation of the houses in the lane means that residents can enjoy life, in the privacy and tranquillity of their homes and gardens, with minimal noise disruption from nearby neighbours. It is certain that the close proximity of this sizable development to The Pines will increase noise pollution.</p> <p>Sheethanger Lane is a narrow private road, with no pavements or roadside parking, a very quiet area with no through traffic, where children play safely in the street. Parking is sought for a total of twelve car users; currently there is only one. Undoubtedly, this will bring more noise and disturbance, with more residents, visitors, delivery drivers, utility and service vehicles using the lane. This compromises the areas' distinctive character, its key amenities, and it may also be dangerous for pedestrians, particularly, as the lane bends round next to Shothanger with no clear view of the lane ahead for drivers.</p> <p>ADDITIONAL CONSIDERATIONS</p> <p>3.1 Should the Council decide to allow some form development at Shothanger, we would ask you to consider placing specific conditions in the approval notice to ensure it complies with the requirements of SPG 2004 and ACS 2013 and the material planning considerations we address above.</p> <p>3.2 Additionally, this case raises issues of planning precedents that may affect established Dacorum Council policies and guidance. Therefore, we ask that the application be put to the Development Management Committee.</p>
<p>THE COPPINS,SHEETHANGER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>We confirm that we are in full agreement with the written objections made by xxxx of Holly Lodge in connection with the above application.</p>
<p>FIELD END,SHEETHANGER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>I am writing to confirm that I and my husband are also objecting to the planning application for Shothanger. 4 houses on a plot this size as well as the additional driveways is not appropriate from the perspective of the local environment</p>
<p>WOODRIDING,SHEETHAN GER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>Letter of objection received, summarised as follows:</p> <p>Significant concerns regarding proposed development: access, layout and scale Impact on landscape character of Sheethanger Lane Impact on existing hedgerows and trees Proximity of development in relation to adjoining neighbours Negative impact of additional driveways on landscape boundaries and frontages Concerns regarding the removal of lengths of hedgerow to allow driveway access Detrimental impact on character and apperance of the area Impact of proposed driveway on mature Horse Chestnut Impact of development on trees both within and beyond application site Detrimental impact upom amenity value of Woodriding</p>

<p>EAGLEWOOD,SHEETHAN GER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>We agree with the detailed comments submitted to the Committee by our neighbours.</p> <p>Notwithstanding the more detailed issues, including non-conformance with planning policies, highlighted in that letter, our principal objection is that this will overdevelop the Shothanger site, where there is insufficient space for three additional properties of a size and with grounds that will fit in with other properties in the area. The loss of mature hedgerows that is proposed creates visual intrusion and the significant increase in traffic that the proposed development will represent will create significant additional noise and disturbance in a quiet residential area.</p>
<p>EAGLEWOOD,SHEETHAN GER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>Our neighbour, xxxx, tells me that you have asked that we contact you to confirm our support for the letter of objection to the above planning application that she has submitted on behalf of a number of local residents, and the purpose of this e-mail is to do so.</p> <p>We have also lodged an objection via your planning website. Quite simply, this is far too large a scheme for the plot, notwithstanding that it is a substantial one. This density of development and the loss of trees and hedges that it includes is out of place in this area.</p>
<p>CARRIGMOR,SHEETHAN GER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>I want to register my support for the objections laid out by xxxx in her letter to you of the 29th August concerning</p> <p>Planning Application 4/01941/18/OUT - proposal for the construction of up to 3 new houses, two new vehicular accesses and widening of existing vehicular access. Alterations to existing house. Site Address: SHOTHANGER, Sheethanger Lane, Felden, Hemel Hempstead HP3 0BG.</p>
<p>COBBES,SHEETHANGER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>This email is to confirm our support for the objection presented to you by xxxx, Holly Lodge, Sheethanger Lane, Felden, HP3 0BG on 29th Aug 18. In our opinion that objection is well presented in the 11 page letter with 6 attached Annexes and we share all of the concerns detailed in it.</p> <p>For clarification, our home Cobbes is the house directly opposite Plot2 and Plot3 on the plan.</p> <p>It is worth saying that, as our directly opposite neighbour, we have always had a friendly relationship with xxxx. So it is with regret that we find ourselves needing to support objections to his planning submission.</p> <p>When we first looked at the application on the Dacorum website (following your letter of 8th Aug 18) we became immediately concerned that the Shothanger plot was showing 4 intended houses on it. We also noted that the two houses on Plots 2 & 3 were significantly smaller than the other two houses in the plan and also appear much smaller than the majority (if not all) of the properties on Sheethanger Lane. This will make them out of character within the lane.</p>

	<p>We are encouraged that there are local planning guidelines already existing which recognise the special character of Sheethanger Lane and the importance of maintaining that. It is the main reason we moved here 22 years ago. It is apparent that the planning application is not respecting these guidelines, in terms of footprint, character and landscaping.</p> <p>We also have concerns about increased traffic, service infrastructure demand, road safety and road upkeep.</p> <p>In addition we are apprehensive about future developers' attitudes to and respect for the residents and lane users' safety and the impact on the road, verges and arboriculture of the lane. Not all past developers have paid due respect to these matters. For example it is quite common, during times of development, to hear developers' heavy lorries ignoring the 15mph speed limit, hit and bounce heavily over the speed bump outside Cobbes.</p> <p>Finally, we are worried about the possible effects on the Cobbes structure of vibration, through the clay layer which runs under all of the area, which may be caused by extensive localised development. This is especially a concern during extremes of dry or wet periods such as that we are experiencing this year.</p>
Pans Place,Sheethanger Lane,Felden,,HP3 0BG	<p>We wish to register our support against the planning application 4/01941/18/OUT.</p> <p>This is a complete over development at Shot hanger Sheethanger Lane Felden .</p>
Fullarton,Sheethanger Lane,Felden,Hemel Hempstead,HP3 0BG	<p>We are writing to support the objections detailed in Mr and Mrs Werbicki's letter of 29th August to the proposed construction of up to 3 new houses at Shothanger, Sheethanger Lane.</p>
Marston House,Sheethanger Lane,Felden,Herts,HP30BQ	<p>My husband and I staunchly oppose the proposed development on the site of Shotanger . We fully support all of the points of opposition as raised by xxxx.</p>
The Coppice,Sheethanger Lane,Hemel Hempstead,,HP30BG	<p>We agree to the objection on the planning application 4/01941/18/OUT for 4 houses on shothanger's plot.</p> <p>To be more specific we wholly support all of the objections raised in xxxx's letter of 29 th August, for the reasons given in that letter.</p>
Thornbury,Sheethanger Lane,Felden,Hemel Hempstead,HP3 0BG	<p>I would strongly like to object to the plans that are being circulated to build four houses in the infill situation in Sheethanger Lane (Reference - 4/01941/18/OUT). It is clear to me that the planning committee and the council have only a superficial knowledge of the consequences of a decision such as this if approved. This includes:</p> <p>(1) Blot on landscape - loss of green space and environmentally unfriendly.</p> <p>(2) Damage to Sheethanger Lane by the builders and the continual fights and arguments that inevitably occur between</p>

	<p>delivery drivers to the building site and the residents.</p> <p>(3) Continued diminution of the efficacy of local services particularly broadband, whose function has deteriorated significantly in recent years on account of the counsel approved infill building in Sheethanger Lane.</p> <p>This proposed additional addition is one step too far. I very much regret that the council are even considering this proposal which is unanimously rejected by all residents in Sheethanger Lane.</p>
Neo House,Sheethanger Lane,Felden,Hemel Hempstead,HP3 0BQ	<p>Further to the letter submitted by xxxx on 29th August objecting to Planning Application 4/01941/18/OUT to which our names were added as supporters, I am now writing to confirm this support for all the points made by xxxx relating to the development of Shothanger in Sheethanger Lane.</p> <p>I hope this email will suffice in formally adding our names to the list of objectors and please do let me know if we need to do anything else.</p>
Chaileys,Sheethanger Lane,Felden,,	<p>I fully endorse the objections set out in xxxx's letter to you of 29th August for all the reasons given in that letter.</p> <p>In addition, Sheethanger Lane is used extensively by our children bicycling and playing. The additional traffic associated with the additional houses would be a further danger to them and the design and density of the proposal is inappropriate for this lane and contrary to Dacorum's own guidance (SPG2004).</p>

Supporting

Address	Comments
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Commenting

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