

<b>4/03191/18/FUL</b>	<b>DEMOLITION OF EXISTING DWELLING AND DEVELOPMENT OF TWO 3-BED AND TWO 4-BED DWELLINGS, ACCESS DRIVE, PARKING AND LANDSCAPING (RESUBMISSION)</b>
<b>Site Address</b>	<b>39A ADEYFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DP</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Whittle, 39a Adeyfield Road</b>
<b>Case Officer</b>	<b>Briony Curtain</b>
<b>Referral to Committee</b>	<b>Called in by ward councillor</b>

**This application was deferred by Members at their meeting on 14th March.**

Members sought additional information / clarification of the following points;

- that Herts County Council Highways made their representations in the knowledge that there is no footpath to the opposite side of Adeyfield Road (the footpath to the southern side terminates at Mountfield Road) and therefore the footpath to the front of the application site is heavily used.
- confirmation that fire access / provision has been adequately dealt with.

Herts County Council Highways and Herts Fire and Rescue have been re-consulted and both confirm that, subject to the imposition of the suggested conditions, they have no objection to the proposed development.

#### Highway Safety.

Herts County Council have confirmed that '*HCC as Highway Authority has taken cognisance of the fact that the footpath in this section of Adeyfield Road is on the same side as the proposed development, with none on the other side of the road*'. They maintain that '*the proposal would not have a severe residual impact on the safety and operation of the adjoining highways*'. They recommend the imposition of several conditions which have been included.

Taking into account the following points; the development would be accessed via an existing (widened) vehicular crossover, a second existing crossover would be permanently stopped up, vehicles can enter and exit in a forward gear and the fact that sufficient pedestrian visibility is achievable, the development is considered acceptable and would not give rise to conditions prejudicial to Highway Safety.

The proposal complies with Core Strategy Policies CS8 and CS12 and policies 57, and 58 of the Dacorum Borough Local Plan (1999-2011).

#### Fire Protection

Herts County Council are satisfied that the development as proposed is acceptable and that the provision of fire hydrants and other measures to protect the development from fire can be dealt with by way of the suggested condition.

Herts Fire and Rescue and the Councils Building Regulations Officers are satisfied that the plans submitted demonstrate that a fire engine can get within 20m of the front three

units proposed. Whilst there is insufficient space for an engine to turn around within the site outside the further plot from the road, condition 7 requires the provision of a water suppression system / rising main to serve this unit.

Herts Fire and Rescue state: - *If there is not adequate access or turning facilities, a rising main or suppressing system can be used as an alternative. If they were to park on Adeyfield Road as per the plan, having for example a sprinkler system, would allow an extended distance of 90m which they could achieve from parking here.*

Therefore in accordance with core strategy policies CS1, CS4, CS12 & CS29, and to enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies a pre-occupation condition will be imposed.

### **Recommendation;**

It is recommended that the application be granted subject to the amended conditions as set out in the report.

### **Previous Committee Report;**

#### **1. Recommendation**

1.1 That planning permission be **GRANTED**

#### **2. Summary**

2.1 The site is situated within the urban area of Hemel Hempstead wherein the principle of housing development is acceptable in line with Policies CS1 and CS4 of the Core Strategy 2013. Policy 10 of the DBLP promotes the effective and efficient use of urban land. Therefore consideration of this application rests on density, type of dwellings, appearance, impact on neighbouring properties and highway safety.

The application follows the refusal by Members of application 4/00367/18/FUL, for three reasons; adverse impact on amenities of No. 39 (light levels and visual intrusion), terrace of properties to the front, three storeys in height would appear incongruous to the Adeyfield Road street scene, and intensification of the use of the site would adversely affect the safety and operation of the highway.

Whilst Officers considered the previous proposal acceptable and recommended approval, rather than appeal, the current application seeks to address the previous reasons for refusal. The three units to the front now comprise of a semi-detached pair and single detached unit in place of the previous terrace, the rear unit has been reduced in height by over 1m, reduced in depth and stepped away from the boundary with No. 39 to reduce its impact and the size of two of the units proposed has been reduced (2 fewer bedrooms) to lower the intensity of the use of the site.

The development proposed is considered to integrate with its surroundings. The height, size and siting of the properties proposed to face Adeyfield Road respect adjacent buildings and their design replicates common features in the existing street

scene such as the small gabled roofs and bay windows. The additional dwelling to the rear would be simple in its design and form and relate well to recent surrounding developments.

As amended the proposal would not result in significant material detriment to adjoining residential amenities. The proposals utilise the existing vehicular access point, but the access would be widened to increase visibility. Given the number of units being served and the fact it is an existing access the proposal would not give rise to adverse highway issues.

The sub-division of the plot is considered to be acceptable as it will not have a significant impact upon the character and appearance of the surrounding area or residential amenity of surrounding properties. Sufficient amenity space is provided for each of the units.

The proposed development therefore complies with the National Planning Policy Framework (2018), Policies CS1, CS4, CS10, CS11, CS12 and CS17 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99 and 100 and Appendices 3 and 5 of the Local Plan (2004).

### **3. Site Description**

3.1 The site is located to the east of the town centre on the northern side of Adeyfield Road and currently comprises a two storey dwelling set on a generous sized plot.

The topography of the site slopes from the front to the back and overlooks Keen Fields which is designated as open land and has a dramatic slope down and away from the application site with far reaching views both to and from the site. In addition the area slopes up to the east such that No. 41 occupies an elevated position above the application site.

### **4. Proposal**

4.1 Full planning permission is sought for the demolition of the existing building and the construction of 4 dwellings. A semi-detached pair and a single unit would be sited to the front of the plot (all three bedrooms) in place of the existing and a single four-bedroom dwelling would be constructed at the rear of the site. The existing site access would be maintained and an access road along the eastern boundary would serve the parking of all the dwellings and allow access to the rear plot. Each dwelling would be served by two-off street parking spaces and a private garden.

The proposal is an amended scheme following the refusal of application 4/00367/18/FUL. The revisions attempt to overcome Members reasons for refusal.

### **5. Relevant Planning History**

4/00367/18/FU DEMOLITION OF EXISTING DWELLING AND DEVELOPMENT OF  
L TWO 3-BED AND TWO 4-BED DWELLINGS, ACCESS DRIVE,  
PARKING AND LANDSCAPING  
Refused  
31/07/2018

4/01715/99/FH VEHICULAR CROSSOVER

A

Granted  
03/11/1999

4/01743/98/4 TWO STOREY SIDE EXTENSION

Granted  
23/12/1998

4/00952/98/4 TWO STOREY SIDE EXTENSION

Refused  
09/09/1998

## **6. Policies**

### **6.1 National Policy Guidance**

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

### **6.2 Adopted Core Strategy –**

NP1, CS1, CS2, CS4, CS8, CS9, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS23, CS28, CS29, CS30, CS31, CS32 and CS35

### **6.3 Saved Policies of the Dacorum Borough Local Plan**

Policies 10,13, 18, 21, 51, 58,111

Appendices 3,5 and 7.

### **6.4 Supplementary Planning Guidance / Documents [include only those relevant to case]**

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area HCA 23 Adeyfield North.
- Water Conservation & Sustainable Drainage (June 2005)
- Energy Efficiency & Conservation (June 2006)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Affordable Housing (Jan 2013)

### **6.5 Advice Notes and Appraisals [include only those relevant to case]**

- Sustainable Development Advice Note (March 2011)
- Conservation Area Character Appraisal for Aldbury / Bovingdon / Chipper field / Frithsden / Great Gaddesden / Nettleden / Berkhamsted / Hemel Hempstead / Potten End /

## **7. Constraints**

- 15.2M AIR DIR LIMIT
- OPEN LAND
- Former Land Use
- CIL3

## **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, density, design and scale
- Impact on surrounding properties and amenity of future residents
- Impact on Highway Safety / parking
- other - Contamination and Fire Hydrants

### Policy and Principle

9.2 Core Strategy (2013) Policy CS4 states that appropriate residential development within residential areas in the Towns 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. Saved Policy 10 of the Local Plan (2004) seeks to optimise the use of available land within urban areas.

9.3 Additionally, due to the fact that the Local Planning Authority (LPA) cannot currently demonstrate a 5 year housing land supply, decisions should apply a presumption in favour of sustainable development. This is discussed in further detail below.

### The 'Tilted Balance'

9.4 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2018) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining

the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CS1 (Distribution of Development), CS4 (The Towns and Large Villages), CS12 and CS17 (New Housing). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development....where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

9.5 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental.

- The social benefits of the scheme would include a small contribution towards making up the shortfall in housing in the Borough thereby facilitating the Government's aim of boosting the supply of housing.

- The economic benefits of the scheme would include the creation of construction jobs in the short-term during the construction of the development. In addition, it is likely that future residents would support the local economy such as using the amenities in the town. It is therefore considered that the proposal will have some positive benefits to the local community, and can be considered sustainable from an economic perspective.

- In terms of the environmental benefits, the principle of residential development is acceptable in this location and the site does not reside within an area of particular importance (for example a habitat site, Green Belt, AONB, heritage site - see footnote 6 of the NPPF). One of the key strands of the NPPF is the expectancy of high quality development that will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Any new development is expected to protect the surrounding built environment and make effective use of land.

9.6 It is considered that there are social, economic and environmental benefits to the scheme. Therefore the proposal constitutes sustainable development and for that reason the tilted balance in favour of three additional housing units applies.

9.7 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, impact on street scene

9.8 The site is situated within Adeyfield North (HCA 23) wherein redevelopment and infilling opportunities are identified as limited but may be acceptable according to the development principles. Within this area the principles are defined as follows;

Design; No special requirements  
Type; Overall no special requirements, but should pay respect to the type, style, size and mass of nearby adjoining development  
Size; should not normally exceed two storeys  
Layout; New development should follow the building line where this is clearly present. Spacing should respect that of nearby and adjacent development and should normally be provided in the medium range (2m to 5m)  
Density; should normally be provided in the medium range (30-50 dwellings/ha)

9.9 The proposal is still considered acceptable. The proposal comprises four dwellings on a 0.1 hectare site, which equates to a density of 34 dwellings per hectare, which is within the lower end of the 30-50 density prescribed in the development principles for the area. The overall layout and spacing is also acceptable. The overall layout and form of the proposal remains largely as previously proposed and refused. The main differences relate to the loss of the front terrace as this was considered out of keeping by Members. The proposal still seeks consent for three dwellings to the front facing Adeyfield Road but has been amended to comprise a semi-detached pair and a detached unit. Both types of dwelling currently feature in the Adeyfield Road street scene and as such would no longer appear incongruous or at odds with the prevailing street pattern.

9.10 Turning to design, as noted in the previous application the existing street scene is very varied and the dwellings are of no specific architectural merit. The street has a suburban quality and properties exhibit common features such as bay windows and small gables. The design of the front units would mean they would successfully integrate to comply with Policy Cs12. Similarly the rear unit is simple to relate to recent adjoining housing developments and given its set back position behind the front units it would not be readily visible in the Adeyfield Road street scene. The units would be highly visible from the open Keens Fields to the rear but no more so that recent surrounding developments.

9.11 The proposals are considered to comply with Policies CS11 and CS12 of the Core Strategy 2013 and Policy 10 of the DBLP.

#### Impact on surrounding properties and amenity of future residents

9.12 The proposed dwellings would not have a significant adverse impact on the residential amenities of adjoining properties in terms of light, privacy or visual intrusion. The impact of the proposal would largely be confined to the immediate neighbours either side of the application property; No. 41 which occupies an elevated position to the east and No. 39 which is sited at the back of the plot at a lower level.

9.13 The units proposed to the front of the plot remain set slightly forward of the existing building and as such the mass and bulk associated with them would align with the brick flank of No. 41, the dwellings remain set away from the common boundary. There would be no breach of the 45 degree line to its habitable windows and as such the development would not hinder light levels or appear visually intrusive. The overall layout and relationship of the buildings to the front of the plot remains as per previously proposed. Members previously considered this relationship acceptable and that no significant harm would be caused.

9.14 Turning to the impact on No. 39; the single storey care facility, whilst it was concluded by Officers that there would be no significant harm, Members refused the previous scheme as the rear dwelling proposed would 'adversely affect light levels and appear visually intrusive'. The rear unit has now been reduced in size and stepped away from the boundary with No. 39 in an attempt to reduce its overall impact. The depth of the building has been reduced from just under 12m to 8m at the nearest point to the common boundary and then it steps back to the original depth proposed.

9.15 The proposal as amended is considered acceptable and would not significantly harm the residential amenities of No. 39. The rear dwelling would still be located in close proximity to No. 39 and appear two storeys in height. As such the dwelling would appear highly visible and would impact on light levels but not to such a degree as to warrant a refusal. The bedroom most affected is served by two windows, one to the side and one to the rear. Given the orientation and amended (stepped) design an acceptable level of light would continue to reach these windows. In terms of visual intrusion the rear dwelling has been reduced in height by over 1m, and reduced in depth at the point nearest the common boundary both of which would significantly reduce the overall mass and bulk and thus reduce the buildings overall visual impact. The dwelling is not considered to be overly dominant or oppressive to the detriment of residential amenity.

#### Future residents

9.16 Turning to the amenity of future residents the buildings are set 26m apart to ensure an acceptable level of privacy, each property is served by a private, enclosed rear garden which is of functional size and shape. The three houses along the main road frontage will have garden depths and widths which accord with Policy guidelines (exceeding the minimum 11.5m depth required in appendix 3 of the DBLP). However, the fourth property to the rear has an appreciably smaller garden area which falls below the required standard garden depth of 11.5m. Whilst the depth falls short as it measures 5/6m, the width generous at 10m. Although it is unusual to consider a family house (4-bedroom) with substandard garden provision, in this particular case the vast expanse of public open amenity land that surrounds the site is considered to adequately compensate for the shortfall. In addition whilst the depth clearly falls short of the required depth, the generous 10m and the regular shape are such that it would provide a functional amenity.

9.17 Given the layout and siting of the properties and the limited amenity space provided it is considered necessary and reasonable to remove permitted development rights for extensions, roof additions, outbuildings and hard surfaces.

#### Impact on Highway Safety

9.18 Turning to Highway safety the proposals would not have a significant adverse impact on the safety or operation of the adjacent highway. The access and parking arrangements have not be altered since the previous refusal. It is still proposed to widen the existing vehicular access to the east of the site and this would serve all the units proposed. There is sufficient space within the site that vehicles can enter and exit in forward gear. The existing crossover to the west (which does not appear to be in regular use) to the west of the plot will be redundant, would be stopped up and the pavement and verge reinstated before the development comes into use. Two of the proposed dwellings (the rear unit and the detached unit at the front) have both been

reduced in size by one bedroom, but given the parking allocation of 2 spaces remains the same it is not considered that this would alter the intensity of the use of the access which Members previously found unacceptable.

9.19 Whilst it is acknowledged that the access is at the brow of the hill and in close proximity to the junction with Mountfield Road this is an existing access point. The increased width and thus improved visibility at the crossover are therefore considered a highway benefit in addition a second existing access would be stopped up which again is preferable. Whilst it is acknowledged that the access would serve three more dwellings there is space within the site for vehicles to turn around and as such all vehicles would enter and exit in a forward motion. Herts County Council Highways were consulted and have raised no concerns subject to the imposition of conditions / informatives. As such the proposal is considered acceptable. Moreover there are other recent developments that comprise single access points onto Adeyfield Road and comprise a far higher density of dwellings.

9.20 With regard to parking each of the dwellings would be served by two off-street parking spaces which is in line with Appendix 5 of the DBLP for this site which is on a main road served by a bus service and is within walking distance of the main town centre. In addition the current proposal represents an increase in parking provision compared to the recently approved and constructed development less than 30m to the west (No. 35/37).

9.21 It is maintained that a refusal on highway grounds could not be sustained.

#### Other Material Planning Considerations

9.22 Contamination - The site has been identified as having the potential for contamination. As such the Councils Scientific Officer has requested the imposition of the standard conditions requiring site investigations. These have been included. A construction management plan has been requested but for a development of this scale, its imposition is not considered to meet the necessary tests. In addition the Highways Authority has the power to act if there are obstructions or hazards regardless of planning decisions/conditions.

9.23 Fire - Herts Fire and rescue have confirmed that the development would need to make provision for fire hydrants (or other measures). A condition requiring these has been included.

#### 10 Response to Neighbour comments

10.1 These points have been addressed above other than concerns relating to the stability of the land. The neighbouring property No. 41 occupies an elevated position and there is concern that the development would result in landslip and the collapse of the retaining banks between the site. The stability of the land has been an issue in the past and corrective works including underpinning and structural repairs have previously be undertaken to No. 41. Whilst there is a level difference and these concerns are noted, land stability and the adequacy of retaining structures would fall outside the remit of the Local Planning Authority. Such matter would be controlled under Building regulations.

#### 11.0 CIL

11.1 Policy CS35 requires all development to make appropriate contributions towards the infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The development would be CIL liable and given its position in Zone 3; Hemel Hempstead a charge of £100 per square metre is applicable to the residential elements of the proposal.

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

Conditions

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 constructed in accordance with the materials specified on the approved drawings / documents.</p> <p>Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy 2013.</p>
3	<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, B, C, D, E, F.</p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.</p>
4	<p>No above ground development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>hard surfacing materials;  means of enclosure;  bin storage facilities  soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;  trees to be retained and measures for their protection during construction works;  proposed finished levels or contours;  car parking layouts and other vehicle and pedestrian access and circulation</p>

	<p>areas; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and thereafter maintained as such.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.</p>
5	<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.</p>
6	<p>The development hereby permitted shall not be occupied until the arrangements for vehicle parking, and circulation shown on Drawing No. 11366-L-00-03 rev H] shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.</p> <p>Prior to the first occupation vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number 11366-L-00-03 rev H only. Any other accesses or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the development.</p> <p>Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities and in the interests of highway safety.</p>
7	<p>6a). Contaminated Land Condition</p> <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</p>

	<p>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> <p>6b). All remediation or protection measures identified in the Remediation Statement referred to in Condition 6a 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 (2012).</p> <p>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 <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a></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>
8	<p>Prior to the occupation of the development hereby approved full details of fire hydrants and other measures to protect the development from fire will be submitted to and approved in writing by the local planning authority. Such</p>

	<p>details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. As there is insufficient access and turning facilities, a rising main or suppressing system must be installed for Plot 4. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details and thereafter maintained as such.</p> <p>Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12 &amp; CS29.</p>
9	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>11366-L-00-02E  11366-L-00-03H  11366-L-00-05E  11366-L-00-06B  11366-L-00-07E  11366-L-00-08D  11366-L-00-09E  11366-L-00-LP</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>ARTICLE 35;</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process and at pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>

## Appendix A

### Consultation responses

#### Herts County Council Highways;

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

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

#### CONDITIONS:

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

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

2. Prior to the first occupation vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number 11366-L-00-03 rev G only. Any other accesses or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the development.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

#### INFORMATIVES:

1. 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.

2. 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 dwelling and development of two 3-bed and two 4-bed dwellings, access drive, parking and landscaping (resubmission).

#### PARKING

The proposal is to create a total of 7 parking spaces for the new properties, on a new hard standing to be constructed in the middle of the plot.

#### ACCESS

The existing property currently has an in-out driveway with two vxos on Adeyfield Road, which is a "C" classified Local Distributor road, the C129, with a speed limit of 30mph. Vehicles are required to enter and leave the highway in forward gear.

The proposal is that the existing vxo to the south of the plot will be used for the new development, with a new driveway giving access to the parking spaces. The existing vxo to the north of the plot will be redundant and needs to be stopped up and the pavement and verge reinstated before the development comes into use.

There have been two slight accidents in the vicinity of the property in the last 3 years.

#### REFUSE STORAGE AND COLLECTION

The proposal is that waste and recycling bins to be provided for each plot and placed either along Adeyfield Road on collection day or along new access way.

The rear of plots 1-3 are approximately 30m from the highway, while plot 4 is more than 40m from the highway. Roads in Herts, section 2.6.8 Refuse collection, states that vehicles must be able to stop within the "maximum refuse carry distance" specified by the Local Planning Authority or within 25m of any bin storage area, whichever is the lesser distance. Residents should not have to carry their rubbish more than 30m to a storage point. (Sources BS5906 2005 and Schedule 1 Part H Building Regulations). The applicant is therefore required to submit a revised plan showing the proposed arrangement for the collection of waste from the development.

#### CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways subject to the conditions and informative notes above.

#### **Scientific Officer**

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/03191/18/FUL for the demolition of existing dwelling and development of two 3-bed and two 4-bed dwellings, access drive, parking and landscaping.

Please be advised that we have **no objection to the proposed development in relation to Air Quality and Land Contamination.**

However, with the development located within 18m of a former contaminated land use i.e. reservoir and depot, 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](http://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 survey and 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). Demolition Method Statement Condition**

Prior to demolition works commencing a Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority for a management scheme whose purpose shall be to control and minimise emissions of pollutants from and attributable to the demolition of the development. This should include a risk assessment and a method statement in accordance with the control of dust and emissions from construction and demolition Best Practice Guidance published by London Councils and the Greater London Authority. The scheme shall set out the secure measures, which can, and will, be put in place.

**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.**

## **4). 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.

## **Herts Fire and Rescue**

We have examined the application and make the following comments:

- Our water officer has confirmed this development will need a fire hydrant.
- Herts highways were concerned that access was not achievable and the access was less than the required 3.7m wide, the plans appear to show an access route of 4m. Can the applicant prove that there is sufficient room to turn a fire appliance round outside the furthest plot from the road?

#### ACCESS AND FACILITIES

1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB), section B5, sub-section 16.

2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 18 tonnes.

3. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

#### WATER SUPPLIES

4. Water supplies should be provided in accordance with BS 9999.

5. This authority would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
- Not more than 120m apart for residential developments or 90m apart for commercial developments.
- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
- Not less than 6m from the building or risk so that they remain usable during a fire.
- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations

#### **Herts County Growth and Infrastructure**

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within **Dacorum's CIL Zone 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.

#### **Appendix B**

## **Neighbour notification/site notice responses**

**Objections have been received;**

### **45 ADEYFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DP (Objects)**

**Comment submitted date: Tue 22 Jan 2019**

We are not happy at all with the re-submission of this 2nd. Application as there is little change to the original one ~4/00367/18/FUL~ which has been refused.

To allow more than one residence on the 39a Site would exacerbate the now very busy flow of traffic using Adeyfield Road, bearing in mind that there are 11, 3 & 4 bedroom dwellings where there was once 2 detached houses on the site (Nos. 35 - 37 Adeyfield Road) - giving a potential of a possible 22 extra cars wanting access on a very sharp bend in the road.

Even now us residents have problems getting in and out of our drives due to the volume of traffic and sometimes if we want to turn right and go down to the town, it is impossible, and we have to turn left up to the double roundabout and then drive back down passed our houses in order to get down to the town centre.

Therefore we oppose very strongly for any more development than one residence on the 39a site.

### **5 MOUNTFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DR (Objects)**

**Comment submitted date: Sun 20 Jan 2019**

Our main objection to the proposed development is that of road safety due to the extra vehicles entering and exiting the estate.

This will create a staggered junction due to the location of the developments entrance being in close proximity to the busy junction of Adeyfield Road/Mountfield Road. There have been numerous accidents in the past, some very serious.

The design and layout of the new development is not in keeping with the surrounding period properties and there is a distinct over development of the site.

### **43 ADEYFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DP (Objects)**

**Comment submitted date: Sun 20 Jan 2019**

I wish to register objections to the size and scope of the proposed development at 39A Adeyfield Road, Hemel Hempstead.

I have objections on a number of grounds.

The new planning application for this property has made some changes to

accommodate one of the reasons why it was turned down originally.

However those changes are merely cosmetic. The plan still occupies the same footprint as the original application and does not address the other two reasons why the original application was refused.

Those two reasons are still valid and the development should not go ahead unless those issues are resolved.

1. I have concerns regarding the impact of another 8+ vehicles accessing a busy road. Adeyfield Road is a main link road to the industrial area and the M1 motorway for many people. It has at least 5 bus routes including an express service to London. The road is used frequently by emergency services on 'blue light' calls to access the motorway. The hill, where the proposed development is located is hazardous in bad weather and has had over the last few years at least 2 serious accidents, one almost opposite the proposed development. A new development further down the road has already increased the potential risks and it is my view that adding to that risk would be dangerous. The proposed development should be reduced in size to reduce the risk.

2. The proposed plans show that it is the developer's intention to provide an access road between 39A and 41, by excavating and widening the current access to 39A. 41 Adeyfield Road has a history of subsidence along this boundary due to the ground conditions and slope. Creating access to the proposed development by excavations will seriously put the property at 41 at risk.

3. The property below 39A is a single story residential home for severely disabled people (39 Adeyfield Road). It already has a large new development on one side which overpowers the single story residence. The proposed development of 39A will further overshadow the single story property in an unacceptable way reducing privacy and light. The slope of the land between 39A and 39 Adeyfield Road is considerable. This means that 39A sits much higher than its neighbour and so the impact of the proposed development is greater than if the land slope were flat. It should be noted that even the current house at 39A has had to have a huge retaining wall to prevent it falling into the neighbouring property at 39 Adeyfield Road.

I am not opposed to some redevelopment on the site of 39A but feel the proposed development is too large and will have a detrimental effect on the wellbeing of the disabled residents of 39A and make Adeyfield Road more hazardous..

I would like to suggest that the planning committee visit the site and view the proposed development from 39 Adeyfield Road. I believe they will be staggered by the potential impact of the proposed development on 39 Adeyfield Road.

#### **41 ADEYFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DP (Objects)**

**Comment submitted date: Fri 18 Jan 2019**

We would like to oppose Mr & Mrs Whittle's planning proposal for 39a Adeyfield Road, for the following reasons:

- The proposal does not provide safe and satisfactory access for residents, road users

and pedestrians. The impact of having more cars trying to join the road just under the brow of the hill in what is virtually a crossroads with Mountfield Road, will be a real hazard to residents trying to get in and out of driveways, and to the stream of traffic using the road, day and night, often at great speed. Adding another four dwellings so close also to the junction with Mountfield Road would dangerously affect the safety and operation of traffic on an already unsafe Adeyfield Road.

- Parking. Adeyfield Road carries a high volume of traffic. Though it is narrower than other main routes from the town centre - Queensway and St Albans Road - it has no traffic calming measures. The additional four houses are likely to bring in excess of eight cars seeking parking and access. The likelihood is that cars will start to park on the pavement in Adeyfield Road, which will be particularly dangerous for mobility scooters and those with prams and push chairs, forced to walk into the road to pass parked vehicles. It will also seriously compromise visibility for residents and traffic.

- The proposed four houses are very tall and narrow and are completely out of keeping with other property in the area which are 1930s two-storey detached and semi detacheds. The house closest to us, though sitting lower than our property by about three metres, is planned to be the same height as our house meaning that we would lose sun light and privacy. This will be completely at odds with the existing streetscape and would not integrate with adjacent properties.

- Because of its size, scale, height and position, in the back garden, the new house proposed in Plot 4 would limit light levels and be visually intrusive to the adjacent bungalow at 39, and our property at 41. This property would be totally overbearing for those living in no. 39, and would dwarf the care home.

- Unstable nature of bank that divides no. 41 from the proposed development would be exacerbated by the excavation and construction of a 50 metre access road running along the length of the boundary between no. 41 and 39a which would also greatly add to noise disturbance. We have already had repairs to no. 41 including underpinning and structural repairs. Landslip is a continuing feature in East to West (downhill) direction as evidenced by the crumbling front garden supporting walls at no. 39a, Will any future developer be liable for any damage caused to our property?

### **3 MOUNTFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DR (Objects)**

**Comment submitted date: Thu 17 Jan 2019**

The proposed application should be denied based upon the location of the vehicle access points on to the main road, it is a very busy road and junction with Mountfield road, were numerous accident risks are present and accidents have happened. Safety is a risk with this proposal.

The proposed houses are not in keeping with the surrounding houses and will be an eye sore like the New multi house development further down the road, which appear to remain partly unsold!

There is another development directly opposite this plot also proposing more cars and traffic. 4/03150/18/FUL further examples of over crowding unsuitable developements

creating unsafe road situations and ruining the local community housing types.

### **39 ADEYFIELD ROAD**

I wish to register objections to the size and scope of the proposed development at 39A Adeyfield Road, Hemel Hempstead.

I have objections on a number of grounds.

1. The property below 39A is a single story residential home for people with Severe Learning disabilities/physical disabilities/autism people. It already has a large new development on one side which overpowers the single story residence. The proposed development of 39A will further overshadow the single story property in an unacceptable way reducing privacy and light.
2. The property at No 39 boundary line with No 39A has a high raised slope that may require construction workers to have access via this property this would cause a serious concern to the health, safety and well-being of a group of vulnerable people and to staff who access a car park below the boundary wall.
3. Staff supporting people living at No 39 use the footpath on a regular basis to support people to access the community by walking or supporting people in wheelchairs. The impact of construction vehicles parked on the pathway will restrict access to the community facilities that they currently use and also the Health and Safety of having to manoeuvre round the parked vehicles at times by having to access a busy road. This has been our experience with the building works that have occurred with the construction that has already commenced on the opposite side of this property.
4. The proposed development frontage onto Adeyfield Road is completely out of character with the rest of the domestic properties along the road. It completely changes the aspect and degrades the visual look. Three story terrace housing of the design proposed is not appropriate. Even the development further down the road has maintained the frontage character and this should be applied to any proposed development at 39A.
5. I have concerns regarding the impact of another numerous vehicles accessing a busy road. Adeyfield Road is a main link road to the industrial area and the M1 motorway for many people. It has at least 5 bus routes including an express service to London. The road is used frequently by emergency services on 'blue light' calls to access the motorway. The proposed access road to this development will be on a particularly hazardous blind spot, just below the top of the hill. Over the last few years at least 2 serious accidents have happened on this road. A new development further down the road has already increased the potential risks and it is my view that adding to that risk would be dangerous. The proposed development should be reduced in size to reduce the risk.

The proposed plans show that it is the developer's intention to provide an access road between 39A and 41, by excavating and widening the current access to 39A. 41

Adeyfield Road has a history of severe subsidence along this boundary due to the ground conditions and slope. Creating access to the proposed development by excavations will seriously put the property at 41 at risk.