

**4/02932/14/FUL - CONSTRUCTION OF TWO NEW DWELLINGS TO REPLACE ONE LARGER DWELLING AND ASSOCIATED OUTBUILDINGS.
REMAGEN, BOX LANE, HEMEL HEMPSTEAD, HP3 0DJ.
APPLICANT: MR J INGLES.**

[Case Officer - Emily Whittredge]

Summary

The application is recommended for approval. The proposal is for the replacement of a dwelling and the redevelopment of commercial buildings on the site, and this development would not result in an increase in the total built volume and floor area on the site. The new dwellings would have no greater impact on the openness of the Green Belt and the reasons for including land within it than the existing development on the site.

Site Description

The application site is located on the southern side of Box Lane and falls within the Metropolitan Green Belt. Remagen House sits within a ribbon development of dwellings along Box Lane outside of the town settlement and sits comfortably on a large spacious site extending to approximately 0.4ha. The site comprises a large two storey half-timbered dwelling, which has been previously extended, three smaller buildings approximately 15m to the east of the house and a 19m disused swimming pool and associated plant building.

The site is situated above Box Lane and is currently accessed by a curving private laneway screened by mature trees. Planting is substantial and mature throughout, forming an important part of the area's semi-rural character and adding to its established feel.

Proposal

The application proposes a replacement dwelling on the site of the existing Remagen House and the replacement of the existing outbuildings, associated with a commercial business on the site, with a new additional dwelling. The pool and plant room would be removed from the site. The existing access would form a shared driveway for the two new dwellings and the site would be divided into two. Both houses include lower ground floor levels with integral garages.

The proposed development has an equivalent floor area and footprint to the existing buildings on the site, and represents a net reduction in above ground volume of 99 m³.

Referral to Committee

The application is referred to the Development Control Committee due to it being called in by the Head of Planning and Regeneration on the basis of public interest.

Planning History

4/01427/10/OUT	DETACHED DWELLING AND SUB-DIVISION OF PLOT Refused
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29/10/2010

Relevant Policy

National Policy

The National Planning Policy Framework
National Planning Policy Guidance

Dacorum Borough Core Strategy (September 2013)

Policy NP1 – Supporting Development
Policy CS5 – Green Belt
Policy CS17 – New Housing
Policy CS10 – Quality of Settlement Design
Policy CS11 – Quality of Neighbourhood Design
Policy CS19 – Affordable Housing
Policy CS25 – Landscape Character
Policy CS26 – Green Infrastructure
Policy CS28 – Renewable Energy
Policy CS29 – Sustainable Design and Construction

Dacorum Borough Local Plan 1991-2011 (Saved Policies)

Policy 13 – Planning Conditions and Planning Obligations
Policy 15 – Retention of Housing
Policy 21 – Density of Residential Development
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 23 – Replacement Dwellings in the Green Belt and the Rural Area

Summary of Representations

Comments received from local residents:

Cotters - Objection.

1. The father P Ingles of the applicant, J Ingles, had a proposal which was rejected by yourselves in 2010 on numerous grounds, so it is a significant surprise to see another proposal which is greater than in 2010. As the father's proposal was refused, we cannot see how you can approve a larger proposal from the son.
2. As far as we understand the site remains in the Green Belt and this has to be protected by rejecting major development proposals.
3. The current proposal will result in more visibility from our side, and potentially more loss of privacy.
4. We have 6 very old and large trees along our boundary to Remagen, and we are concerned that this development of buildings close to the boundary, will disturb the tree roots during the building period, and subsequently, may result in a weakening of the large root systems. We are sure your Tree and Woodlands department would be interested in this.
5. Consideration is needed with old trees, concerning disturbance of roots which can weaken them and make the vulnerable in high winds, so you can see our concern.
6. The proposed building/s (we notice they are on two levels due to incline of the hill) have planned skylights- we do not want to be responsible for damaging by falling

branches, currently falling straight to the ground.

7. Our property rises upwards from Box Lane, but our neighbours property Remagen, rises even steeper from Box Lane - our current 6' fence panels only just screen the walls (the roofs are still visible) of existing buildings, the proposal would mean greater visibility from our side.

8. We understand that the proposed building materials are very modern and will not be compatible with other properties in this area.

9. There is a business at the current property ie music / piano teaching in the main building, we assume this will continue but if it's in the property near out boundary, there is a possibility of noise form the activity in relation to the school - currently we hear it a bit from the house far from our property, but if nearer, there will be greater intrusion in the noise level.

We are sure you can understand why we have written at length, we feel you need this to understand the potential impact upon our property.

We hope that sense will prevail with this new development.

The Coach House, Flaunden Lane- The property lies within the Green Belt. It is one of many properties on large plots along Box Lane. Allowing that special circumstances justify replacing the existing property with two properties would set a precedent, making it impossible to refuse similar applications from other Box Lane residents.

Doubling the housing density along Box Lane is a form of ribbon development contrary to the intention of the Green Belt. An additional house would add to the traffic on Box Lane which is already a busy road carrying traffic to The Mount Prison and the Market on the airfield. I therefore object to the proposal.

Bovingdon Parish Council:

[Amended scheme] Support.

Trees and Woodlands:

The Arboricultural Report is technically sound and I agree with its recommendations. The tree protection measures are satisfactory and the removal of trees listed on the tree survey is acceptable because they are mostly in poor condition. I have no further comments.

Contaminated Land:

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Herts & Middlesex Wildlife Trust:

The Trust objects to the above application because....

Bat surveys have not been completed

Answers to 2 of the tests of a European Protected Species Mitigation License have not been provided

Mitigation and compensation measures are not definitive

The bat survey submitted in support of this survey is good. The recommendations section of the report contains a number of suggestions and required courses of action that have not been resolved or definitively stated. In order for Dacorum Borough Council to be sure that the Conservation of Habitats and Species Regulations 2010 are being complied with and its duties to that legislation are being upheld, it must request greater detail and certainty of measures to be applied by the applicant.

The best way to achieve this would be for the planning authority to request further information from the applicant as an appendix to the ecological report.

The further information should include

Answers to the 3 tests of the EPSML. Without this information the planning permission is not lawful and open to challenge (R (on the application of Simon Woolley) v Cheshire East Borough Council)

All compensatory and mitigatory measures proposed must be stated definitively. For example:

A loft area of 4m x 5m x 2.2m will be created within the new development to compensate for the loss of the maternity roost identified in the ecological survey. This will be located in house x as detailed by drawing y. This area will be lined with bitumastic underfelt and not breathable membranes.

Without this information Dacorum Borough Council cannot be sure that the development would not result in a negative impact on the bat population. Therefore it would not be fulfilling its duty under the Conservation of Habitats and Species Regulations 2010, NPPF and ODPM circular 06/05. Once a definitive plan has been received this must be conditioned in the planning permission, e.g. The development shall proceed in accordance with the approved mitigation and compensation strategy (Prime Environment November 2014). All compensation measures shall be retained for a minimum of 10 years to allow a reasonable time for their occupation. No development shall take place until a copy of the European Protected Species Mitigation License required has been provided to Dacorum Borough Council.

Reason: To ensure the favourable conservation status of European Protected Species is maintained in accordance with the Conservation of Habitats and Species Regulations 2010.

All compensatory and mitigatory measures must be clearly marked on the plans. At present 2 compensatory options are presented for the dimensions of the loft space required for bats. Only the larger loft space is acceptable and compliant with The Bat Mitigation Guidelines (English Nature 2006). It is important that this is made clear in the proposals to avoid future problems arising.

Hertfordshire Ecology:

I have the following comments on the above consultation:

1. We have no ecological information on record from this site and I have no reason to consider there will be any significant ecological constraints, other than those relating to bats.
2. The property is of a type, situation and location that would require a bat survey given

the demolition proposals, and this has been undertaken. A variety of evidence of a number of bat species was found in the main house and workshop, with the possibility of a Brown long-eared bat maternity roost in the main building given the accumulation of droppings. Although the main loft void had recently been cleaned there remained good evidence of significant bat use. No bats were observed and further surveys are proposed to fully inform compensation requirements and a licence application which will be required.

3. I am unclear as to why no further activity surveys were undertaken following the discovery of evidence; it is clear that the proposal is for demolition of all of these buildings, and that will require a licence as well, so such surveys are inevitable to be legally compliant, and as well as to enable the LPA to determine the application. The inspection surveys were undertaken on 30th August which would have left ample time for activity surveys before hibernation. However, this approach may have been on the instruction of the client.

4. Technically LPAs should not determine applications where there is insufficient evidence available on impact or compensation, as this would not enable them to apply the three Habitat Regulations tests as required, given bats are a European Protected Species. Furthermore, surveys for EPS should not be conditioned, for this reason.

5. However, whilst this information is lacking, a **bat mitigation strategy** has been provided (Section 4.3 of the bat report). Drawings have been provided to demonstrate how a replacement bat roost suitable for BLE bats can be provided within the new development. Whilst this does not fully demonstrate how the bats will be accommodated (more detail is needed to inform bat use and so provide details for access, construction materials, feeding perch replacement etc...) I consider that, if this is provided by Condition, it is reasonable to assume that sufficient information will have been provided to the LPA to demonstrate continued use by bats. This information will, in any event, be a requirement for a successful licence application.

6. On this basis, I consider that the current proposals do indicate the principle as to how bats can broadly be accommodated within the new development and so the Habitat Regulations test regarding Favourable Conservation Status can be satisfied. **Consequently the LPA may proceed with determination.**

7. However, if this application is determined by the LPA with a view to approval, I consider **it is essential that an appropriate Condition is placed on any approval** to the effect that:

- Prior to any development - including any associated tree works that may affect bat use of the known roosts -further activity surveys **must** be undertaken to fully inform the development of the nature of the existing roosts;
- Appropriate compensation plans **must** be provided to demonstrate how the bats can properly be accommodated, to the satisfaction of the local authority;
- A suitable timing / logistics strategy **must** be proposed to properly accommodate the continued maternity use of the main roost;
- An acceptable lighting plan will also **need** to demonstrate appropriate unlit conditions will be present where bat access points are proposed.

The above is reflected in the recommendations of the Bat report, which I support. Given the loss of roosts, **a licence will be required** and the LPA will need this

information to take a view on the likelihood of a licence being issued, as well as ensure that development works may proceed having taken proper consideration of bats.

Thames Water:

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Affinity Water:

No comment received.

Strategic Planning:

No comment.

Highways

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

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

Reason: To minimise the impact of construction vehicles whilst the development takes place

2) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

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

Highway Comment

The above scheme follows on from the pre application in June this year to demolish the existing dwelling house and out buildings and construct a two new detached dwellings as replacements. Access will remain unchanged and connects onto Box Lane, a classified B, road. Parking is slightly increased from the current 3 off street parking spaces to 5. Highway Benefit. It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways and transport are set out in section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)'. This can be read and downloaded from <http://www.hertsdirect.org/yourcouncil/hcc/resandperf/hertsprop/planningobs/>

Subject to a financial contribution in line with current County policies for sustainable transport and the above suggested planning conditions, the County Council would not wish to object to this application.

The highway contribution would be used to provide measures or services near the site to encourage walking, cycling or the use of public transport.

The Highway Authority will seek a standard charge contribution of £1500 per four-bedroom dwelling.

All contributions are to be index linked from the date of the agreement or Local Planning Authority committee resolution (whichever is the earliest) to the date of payment.

Planning permission should therefore only be granted subject to an undertaking to secure the following:

A financial contribution of £ 1500 towards measures or services near the site to encourage walking, cycling or the use of public transport.

Conclusion

The highway authority in principle has no objection to the construction of these houses. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

Herts Fire and Rescue Service:

We note that the applicant intends to widen the access road for fire appliance access; the width between the gates must be a minimum of 3.1m and the road should be capable of withstanding 12.5 tonnes in weight in order to carry a fire appliance.

We have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

Further comments will be made when we receive details of the Building Regulations application.

Considerations

The Green Belt considerations for both elements of the proposal are:

Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy: the effect of the proposal on the openness of the Green Belt and the character and appearance of the area; if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Policy and Principle

The application site is located within the Metropolitan Green Belt, wherein there is a presumption against inappropriate development. The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, with certain exceptions including:

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The NPPF defines previously developed land as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

In accordance with para. 89 of the NPPF, the replacement of Remagen with a new dwelling does not constitute inappropriate development in principle, so the primary consideration is whether or not it is materially larger than the existing building and whether it would cause harm to the openness, character and appearance of this part of the Green Belt.

The application follows a refused outline planning application for the subdivision of the site and the replacement of the outbuildings with a new dwelling. However, the circumstances of these two applications are not comparable since the outline application did not include any justification for the construction of a new dwelling on this site in Green Belt terms.

Evidence has been provided by the applicant to demonstrate long-term business use on part of the land adjoining the house, taking place in the workshop building and the other outbuildings. If the business use of part of the site has been lawfully established in planning terms, then this land could be defined as brownfield under the NPPF, wherein development is acceptable subject to its impact on the Green Belt. This will be assessed separately.

Lawful Use of the Site

The applicant has put forth the argument that the land containing the workshop and two other outbuildings can be defined as previously developed land for the purposes of applying Green Belt policy. The NPPF definition of previously developed, or brownfield, land excludes land in private residential gardens, but there is no statutory definition of 'garden'. It is therefore a matter of fact and degree whether the land comprises residential garden and if it falls under the NPPF's definition of 'previously developed land'.

The part of the site associated with the business is on two site levels and includes hardstanding around the buildings. The area is partially separated from the house and its garden by a hedge. The applicant has provided evidence and signed declarations to demonstrate a lawful use of the outbuildings and associated land for business, over a long period of time and distinct from the residential garden. A furniture business operated on the site from 1981, with the three outbuildings used as showroom/workshop space and for the storage of furniture. A piano trade commenced in the buildings in 1997, including piano display, sales, storage and restoration. The evidence demonstrates that the outbuildings have been used continuously for trade since 1981. The use includes a limited area of the surrounding land and forecourt used for related vehicle parking and deliveries.

The documentary evidence was reviewed by the Legal department, in whose professional view the long term business use of the buildings and surrounding land was sufficient to demonstrate, on the balance of probabilities, that the site of the workshop and storage buildings constituted previously developed land for the purposes of the NPPF. On this basis, the redevelopment of this land would be acceptable in principle, subject to its impact on the openness of the Green Belt.

Principle of Change of Use

The current trade on the site, the sale and refurbishment of pianos, is not incompatible with the residential area, however, Box Lane is a residential area and in principle the use of the land as residential does not raise objection. It is noted that the Government introduced new permitted development rights in April 2015 under a prior approval scheme for a temporary change of use from storage to residential, which is a material consideration.

Impact on the Openness of the Green Belt

The NPPF states that the test for the infilling or redevelopment of previously developed sites within the Green Belt is whether it would have a greater impact on openness and the purpose of including land within it than the existing development. The replacement of a building is acceptable in principle if it is not materially larger than the building it replaces. The proposal would see all of the existing buildings, structures, and hardstanding removed from the site except for the access drive, and the construction of one new and one replacement dwelling.

The replacement dwelling (House 01) would have a total of 280 sqm, or 113 sqm less floorspace than the existing house. It would also have a smaller total volume of 702 m³, as compared with the existing dwelling, which has 898 m³. Under the tests of the NPPF, the replacement house would be materially smaller than the existing house on the site and therefore is defined as appropriate development in the Green Belt. The dwelling would be no higher than the existing house, and would be substantially narrower. It would have less impact on the openness of the Green Belt, both visually and materially, than the existing building.

The second proposed dwelling on the site (House 02), replacing the existing commercial buildings, would have 190 sqm of floorspace compared with the 77sqm of floorspace of the existing buildings. It would additionally have a volume above ground of 318 m³, as compared with 221m³ of the two largest existing commercial buildings. The calculations do not include the removal of the existing pool and plant room, or the smallest of the three commercial buildings since it is not of substantial and permanent construction. In terms of size, this development would be larger than the existing structures and would by definition have a greater impact on the Green Belt, and would be contrary to the requirements of the NPPF. However, in considering the total development of the site, there are special circumstances to justify an increase in size of the new dwelling. Taking into account the demolition of the existing dwelling and outbuildings, the proposed development would not result in an increase in the total amount of floor area or built volume on the site.

The proposed new dwelling would be constructed on the site of the existing commercial buildings, occupying a similar footprint and infilling the space between

them. Although the replacement volume would be greater than the existing commercial buildings, the new building would form a more compact and narrower area of development than the existing buildings, with a gap of 3.5m to the boundary in contrast with the large workshop building built up to the boundary. In appearance, the new building is constructed as two separate structures with a glazed link, similar to the present layout of buildings.

The NPPF states that the Green Belt serves five purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed new additional dwelling would have an above-ground volume of 318m³, which is greater than the 221m³ volume of the two largest commercial buildings.

The new dwelling would cover a greater floor area than that occupied by the existing commercial buildings by infilling the gap that is currently present between them, but in doing so, it shrinks the margins of development away from the boundary, creating a more compact and linear appearance. The replacement dwelling would similarly be reduced in width so that the spaces between the buildings and boundary are increased. At ground level, the new dwelling would be only a single storey in height, with more than half of the development located underground. As the NPPF test for previously developed sites relates to the impact on openness and on the purpose of including land within the Green Belt, a significant volume of the new dwelling would not impact upon the Green Belt.

On balance, although the proposed second dwelling would be larger than the commercial buildings on the site, due to the inverse reduction in size of the principle dwelling, there would be no increase of built form across the site and it would not be harmful to the Green Belt. This provides the special circumstances justifying this increase. The total volume of the proposed structures above ground would be reduced by 99 m³. The proposal would result in a subdivision of the site into two curtilages, which itself is an intensification of the residential use through creation of an infill dwelling. This has been considered in the development of the design, through the reduction of hard landscaping and the provision of underground storage and integral garages within each dwelling, to reduce future pressures for ancillary residential development on the site. A condition removing permitted development rights will be imposed to restrict future enlargements or outbuildings on the site.

The development is therefore acceptable in terms of its impact on the openness of the Green Belt and would not be contrary to the reasons for including land within it.

Impact on Street Scene

The HCA4 character appraisal highlights the irregular positioning of dwellings and generous spacing, which provide 'a variety and richness to the area's appearance.' The site boundary is very heavily screened by mature trees and views up to the existing house and workshop are highly restricted. Because of the width of the site, and the location of the new dwelling, the development would not disrupt the regular spacing of dwellings in Box Lane and would align with the existing dwellings. The proposed new dwelling is located approximately 15m to the east of the existing house

(which is equivalent to the distance between Remagen and Kintail House) and approximately 17m to the west of Cotters. The development would not appear contrived and would not create a cramped or overdeveloped appearance in the street scene.

The existing house is a substantial white half-timbered building, and replacing it with a smaller structure of darker, more subtle palette would arguably improve the visual qualities of the site from the street scene. The replacement dwelling would be constructed further from the access, resulting in more screening from public vantage points. The new house, replacing the existing white and half-timbered workshop building, would be a dark coloured low-level structure with much of its accommodation underground, and would similarly have a modest impact on the street scene and is not considered to be detrimental.

Design/Layout

There is no predominant architectural style in the residential character area of Felden West and the introduction of a non-traditional style and varied materials is not in principle inappropriate or harmful, subject to the provision of a high quality design. The proposed form and massing is a hybrid of modern and traditional, using traditional materials and minimalist detailing. The colours would be dark and neutral and would sit well within the landscape. Both houses would be of similar construction, comprising flint, vertical timber cladding, standing seam zinc roofing, aluminium and timber windows and frameless glazing.

Amenity and Impact on Neighbours

Objection has been raised by the occupant of the neighbouring dwelling Cotters on multiple grounds. The objections relating to amenity are: greater visibility of the development, a possible loss of privacy and noise from piano lessons if the lessons occur within the new dwelling. As described above, the new dwelling would, like the existing commercial buildings, be a single storey in height and would be located a distance of 18 metres from the neighbouring property. There would not be any windows overlooking adjoining gardens and no loss of light to the neighbouring dwellings would result from the development due to the spacious nature of the site.

The occupiers raised further objections relating to land stability, damage to trees, design, and impact on Green Belt. Regarding land stability, an Engineering Statement was submitted with the application and this reports no apparent issues with slope stability or ground/surface water. However, this aspect of the development would be addressed under building regulations. The development would have no detrimental effect on the residential amenity of adjoining occupiers.

Land Contamination

The site is located within the vicinity of potentially contaminative former land uses and therefore it has been recommended by the Environmental Health department that the standard contamination conditions be applied to the development, should planning permission be granted. There is no objection in principle to the development on land contamination grounds.

Parking/ Access/ Emergency

Car parking standards require 3 spaces for each dwelling to comply with car parking standards. There is adequate room for car parking on the forecourt and driveway, in addition to the integral garages provided for each dwelling, to meet the car parking requirements.

Hertfordshire Highways have raised no objection on highway safety grounds, subject to conditions. The recommended conditions relate to construction vehicle wheel washing and the storage and delivery of materials at the site; however, these issues would normally be included within a construction management plan, and do not on their own meet the NPPF's six tests for the application of planning conditions. A pre-commencement condition requiring a construction management plan would instead be imposed.

Other Considerations

Landscaping/Trees

An arboricultural report was submitted with the application and the Tree officer supports its recommendations. There are numerous trees on the perimeter of the site, and of these, six trees are to be removed. None of these are of good quality and do not warrant retention. The tree protection measures for the retained trees are deemed to be sufficient in terms of ensuring their health and stability.

Ecology/Bats

An initial bat survey has been carried out on the site. While objections have been raised from Herts & Middlesex Wildlife Trust on the basis of incomplete information, Hertfordshire Ecology has assessed the submission and considers that the bat mitigation strategy would demonstrate how a replacement bat roost can be provided within the new development, subject to conditions requiring additional surveys and mitigation details. The list of pre-commencement conditions recommended by Herts Ecology would therefore be imposed.

Sustainability

A C-Plan energy statement and a Policy CS29 Checklist have been completed by the applicant, and both indicate that a wide range of sustainability measures will be incorporated into the development. The C-Plan rates the sustainability of the development in the mid-to-high range, with a high rating given for the "overall status". Only two categories out of 7 have a mid-range rating and no categories have a low sustainability rating. The application therefore meets the sustainability requirements set out in Policy CS29.

Affordable Housing

The entire site covers an area of .45Ha, but is providing only two dwellings and only one net additional house. The development is not considered to exceed the threshold for the provision of affordable housing set out by Policy CS19, in which affordable housing must be provided for developments in Hemel Hempstead of 10 dwellings or larger.

Community Infrastructure Levy

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.

The Charging Schedule clarifies that the site is in Zone 1 within which a charge of £150 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

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

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

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

- 2 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

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

For the purposes of this condition:

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

desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

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

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

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

- 4 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 3 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

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

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

- 5 **Prior to the commencement of development, including any associated tree works, further details of bat activity and mitigation must be submitted to and approved in writing by the local planning authority. This information must include: further activity surveys to fully inform the development of the nature of the existing roosts; appropriate compensation plans to demonstrate how the bats can properly be accommodate; a suitable timing / logistics strategy to properly accommodate the continued maternity use of the main roost; and an**

acceptable lighting plan will also to demonstrate appropriate unlit conditions where bat access points are proposed.

Reason: To ensure the development will not have a detrimental impact on species protected under UK and European Legislation.

INFORMATIVE:

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Contacts:

English Nature 01206 796666

UK Bat Helpline 0845 1300 228 (www.bats.org.uk)

Herts & Middlesex Bat Group 01992 581442

- 6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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:**

Schedule 2 Part 1 Classes A, B, C, D, E, F & G.

Part 2 Classes A & B.

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.

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

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 8 Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the local planning authority.**

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

Highways Informative: All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

- 9 The window at first floor level in the East elevation of the dwelling (House 01) hereby permitted shall be non opening to 1.7 m above finished floor level and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents.

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

Site location plan
 331.(1).0.002
 331.(1).0.001A
 331.(1).0.205

331.(1).0.206
331.(1).0.207
331.(1).0.208
331.(1).0.209
331.(1).0.201
331.(1).0.202
331.(1).0.204
331.(1).0.203
331.(1).1.203 B
331.(1).1.101D
331.(1).1.001C
331.(1).1.202B
331.(1).1.102D
331.(1).1.103D
331.(1).1.104B
331.(1).1.105C
331.(1).1.201C
331.(1).2.201B
331.(1).2.202B
331.(1).2.203B
331.(1).2.204B
331.(1).2.101B
331.(1).2.102B
331.(1).2.103B
331.(1).2.104B
331.(1).3.101B
333.(1).3.102B
331.(1).3.103A
331.(1).3.104A
331.(1).3.201B
331.(1).3.202B
331.(1).3.203A
331.(1) 3.204A
331.(1).4.001
331.(1).4.002
331.(1).4.003
331.(1).4.004
331.(1).4.005
331.(1).4.006
331.(1).4.007
331.(1).4.202A
8443/02
Arboricultural Report
Design and Access Statement
Landscape and Visual Impact Assessment
Policy CS29 Checklist
Bat Building Assessment
Planning Statement
Engineering Statement
JI 1a
JI 2
Statutory Declaration of Mr J Ingles

Statutory Declaration of J Michael
Statutory Declaration of W Miko

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