

4/02839/15/FUL - REDEVELOPMENT OF EXISTING GARAGE COURT TO PROVIDE 3 NO. TWO STOREY DETACHED DWELLINGS, TOGETHER WITH ASSOCIATED AMENITY SPACE AND CAR PARKING. PROVISION OF 12 NO. PARKING BAYS FOR COMMUNITY USE (RE-SUBMISSION). GARAGE COURT TO THE SOUTH OF 7 BURNS DRIVE, HEMEL HEMPSTEAD, HP2 7NP.

APPLICANT: Rodwell Property Limited.

[Case Officer - Tineke Rennie]

Summary

The application is recommended for approval.

The proposed development would optimise the use of an underused and unsightly site through the provision of three dwellings, communal and landscaped garden areas. In addition the proposal will facilitate the provision of communal parking for surrounding residents. The dwellings are considered to be consistent with the scale of development and character of the area and will respect the amenities of the neighbouring properties. Overall the proposed development will enhance the visual amenities of the area and contribute to the streetscene.

Site Description

The site is located on the eastern side of Burns Drive and within the Woodhall Farm housing estate (HCA 33: Woodhall Farm). Woodhall Farm comprises a variety of housing types and densities set out around a looping local distributor road serving small collector roads and cul-de-sacs, such as Burns Drive. Properties are generally simple in design, exhibiting design features of the 1970's mass house building. A high standard of open space and amenity land is a feature of the estate with Woodhall Farm Park to the south.

The two storey terrace dwellings adjoining the site to the north and on the opposite side of Burns Drive feature shallow pitched roofs, painted white timber bargeboarding, tile hanging and large simple timber casements. Directly to the south is a low rise three storey block of flats that accommodates Nos. 9 - 81 Burns Drive. Bordering the north-western corner is the garden of 28 Bronte Crescent; to the north the the end of terrace dwelling of No. 7 Burns Drive borders the site.

The site has an area of 0.1 hectares and currently comprises four blocks of garages in the northern part of the site providing 28 single garages. Vehicle access is from Burns Drive to the southern half of the site which is open and comprises an area of hard surfacing. A bin store and recycling station for the use of the occupants of the adjoining flatted block is positioned to the north of the vehicle entrance.

Historically the application site formed part of the flatted development (Nos. 9-81 Burns Drive) that was consented in 1974, providing open parking and garages for the occupiers. It is understood from the applicant that the garages remained largely unsold and the site was sold off as a separate entity in 1980. However a legal requirement for a right of access for the occupiers of the flats to the open areas of the site remains in place although the occupants no longer have rights to park on the site. The garages are available for rent from the landowner. At present three of the garages on the site are in use. The historic separation of the garage site from the adjacent flatted

development has resulted in displacement of vehicles in the locality, resulting in severe on-road congestion.

Proposal

The proposal involves the demolition of the existing garages and the construction of 3 no. two storey detached dwellings positioned on the footprint of the existing garages. Communal garden area with a landscaped garden is proposed together with a private patio area for Plot 3. Four parking spaces are proposed, two of which will serve Plots 2 and 3 respectively; Plot 1 will have two spaces within the frontage of the proposed dwelling. Separate bin store areas are proposed within the curtilage for each plot with the exception of Plot 1 where it will be located adjacent to the dwelling within the landscaped garden area. Secure cycle storage is proposed for eight cycles.

In order to overcome the parking displacement that occurs in proximity to the site, the applicant has offered to provide 12 parking spaces that would be available for community use. The spaces will be allocated within the southern part of the site adjacent to the vehicle entrance. The applicant proposes to secure these parking spaces for community use in perpetuity by way of a section 106 unilateral undertaking. The spaces available for the residents of these flats would be physically marked out in a different colour to those serving the proposed flats in order to differentiate the parking provision arrangements.

The application is the re-submission of an earlier scheme that was submitted this year (ref. 4/01126/15/FUL) following pre-application discussion that took place with officers in 2014 (ref. 4/01775/14/PRE). The application was withdrawn and re-submitted concurrently with an application seeking to redevelop the garage site to the south-west of this application site (ref. 4/02840/15/FUL). As with this application, the proposals involve demolition of the existing garages and the provision of a block of four flats. The applications are being submitted concurrently as a comprehensive redevelopment of both sites. This is to ensure that the total residential development over both sites will be considered in its entirety.

Referral to Committee

The application is referred to the Development Control Committee as it has been called in by Councillor Wyatt-Lowe due to concerns relating to of lack of sufficient parking and over-development of the site.

Planning History

4/00804/12/PRE Housing.

4/01775/15/PRE Construction of 3 two bed houses and 2 one bed and 2 two bed flats.

4/01126/15/FUL Redevelopment of existing garage to provide 3 No. two storey detached dwellings, together with associated amenity space and car parking.
Withdrawn 13.05.2015.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS26 - Green Infrastructure
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13,18, 21, 51, 58, 63, 76, 116.
Appendices 3,5.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area [HCA 33:Woodhall Farm]
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)

Advice Notes and Appraisals

Summary of Representations

Thames Water:

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

Crime Prevention Officer:

Regarding planning application, 4/02839/15/FUL at garage court to the south of 7 Burns Drive, Hemel Hempstead, HP2 7NP for redevelopment of existing garage court to provide 3 no. two storey detached dwellings, together with associated amenity space and car parking. Provision of 11 no. parking bays for community use (re-submission)

Comments

1. Secured by Design:

I thank the applicants for addressing crime prevention in their Design and Access Statement and undertaking that if permission is granted to build to the physical standards of secured by Design. This standard which is the police approved minimum security standard, has been shown consistently to reduce the potential for burglary by 50% to 75%.

2. Redevelopment of site:

Development of the site will remove a garage area with hidden away recess areas with little to no natural surveillance within the area. It will therefore be positive to remove a potential anti-social behaviour (ASB) area for youths to hang around in, if the area is redeveloped. Therefore I am broadly in favour of this development.

1. Having reviewed the plans on the basis of information available I am content with the application proposed as regards designing out crime.

I hope the above is of use to you in your deliberations and will help the development achieve that aims of the National Planning Policy Framework (NPPF).

1. 69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

& the National Planning Practice Guidance (NPPG)

- 010 – re Sec 17 of the Crime and Disorder Act 1984 – to prevent crime & disorder.

- 011 – re planning promoting appropriate security measures.

& Dacorum Core Strategy policies:

- CS12 – re safe access, layout and security
- CS13 – re pedestrian friendly, shared spaces in appropriate places

Hertfordshire Highways

Hertfordshire County Council (HCC) has no objection to the proposed development subject to the conditions detailed below.

Conditions

- The development shall not begin until details of the new proposed drop kerb for the plot 1 car park spaces have been submitted and approved in writing by the Local Planning authority in conjunction with the Highway Authority. The dwelling shall not be occupied until the works for the proposed drop kerb for the plot 1 car parking spaces constructed in accordance with the approved details.

Reason: It is illegal to drive over the footway without a dropped kerb; it may cause damage to the surface and the kerbs.

2. A 0.65m X 0.65m visibility splay shall be provided and permanently maintained each side of the access of Plot 1 car park spaces, measured from the edge of the access way to the edge of the carriageway/back of the footway, within which there shall be no obstruction to visibility between 600mm and 2m above the

carriageway/footway level.

Reason: to provide adequate pedestrian visibility for drivers entering or leaving the site.

3. The development shall not begin until details of the disposal of surface water from the drive and parking area have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The dwelling shall not be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to highway users.

4. Prior to the commencement of the site works details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles shall be approved in writing by the Local Planning Authority in conjunction with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

5. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development.

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

Informative:

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

The Highway Authority requires the alterations to or the construction of the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this or use link: <https://www.hertsdirect.org/droppedkerbs/>

Description of the Proposal

The proposal is for the demolition of the existing garages and the construction of three dwellings adjacent of 7 Burns Drive, Hemel Hempstead. This application follows a previous submission (reference 4/01126/15/FUL), which was withdrawn by the Applicant in order that a further application for a nearby site could be submitted and considered by the Council concurrently.

HCC had no objection to the previous application subject to the same conditions presented in this response.

The site subject of this application is located in the north east of the town. The site is accessed from Burns Drive, a residential street located within a neighbourhood known locally as Woodhall Farm.

The application site is a roughly 'T' shaped parcel of land situated directly to the south of no. 7 Burns Drive. The site has an area of 0.1 hectares and a frontage onto Burns

Drive of approximately 30 metres but narrows towards the rear.

Analysis

The Roads in Hertfordshire: Design Guide 3rd Edition (RiH) only requires a Design and Access Statement for this level of development, this has been provided by the applicant.

Impact on Highway Network

Road Safety

There are no recorded accidents on Burns Drive or within close proximity of the site.

Highway Layout

Vehicle Access

The site is located on Burns Drive which is an unclassified road with speed limit of 30mph.

Vehicular access to the application site is presently taken from Burns Drive via a vehicular crossover located on the bend in the street. The application proposals would see the existing crossover retained and reused to provide access to parking bays associated with houses to Plots 2 and 3. The existing crossover would also provide access to the parking bays, which are to be made available for community use.

Additionally, the applicant proposes that a new vehicular crossover be formed from Burns Drive adjacent to no. 7 in order to provide access to the frontage parking bays associated with the house to Plot 1.

Visibility

The applicant has not provided any information on visibility site lines for vehicles entering and exiting the site. Visibility splays will need to be submitted and approved by HCC to ensure safe vehicle access to the site. Visibility splays will need to be in accordance with Roads in Hertfordshire: High Design Guide 3rd Edition which states 2.4m x 43 for roads of 30mph.

Parking

The proposals would provide two off-street spaces for each house. As stated in the previous correspondence from HCC, the proposed parking provisions layout is acceptable by highway authority.

Additionally, comments received from the Local Planning Authority at the pre-app stage indicated that any application should seek to provide parking to offset the loss of the existing garages currently occupied and additional parking to address the historical displacement. The site presently contains 28 single garages although only three are presently in use and these are understood to be used mainly for storage rather than for car parking. The application proposals would see the creation of 11 parking marked bays to the southern edge of the application site. These spaces are proposed to offset the three existing garages in use, together with a further eight spaces to make up for historical displacement.

The applicant will need to undertake a swept path analysis to justify that there is adequate manoeuvring room for the vehicles within the proposed car park and that the vehicles can exit onto the highway in a forward gear.

Disabled Parking

The applicant has not provided any information on disabled parking for this development. Provision for disabled parking needs to comply with DBC Parking Standards.

Cycle Parking

The applicant has stated that each dwelling will be provided with cycle storage space. This is aligned with the DBC Parking Standards.

Accessibility

Public Transport

The nearest railway station to the application site is Hemel Hempstead on the West Coast Mainline, 7.5km to the south west. Services from this station, provided by London Midland and Southern, provide frequent links with Central London and intermediate destinations including Apsley, Kings Langley and Watford Junction.

Shenley Road is served by three local bus services, which provide connections with Aylesbury, Hemel Hempstead town centre, Kings Langley and Watford.

Pedestrian and Cycle Access

There are no dedicated cycling facilities on the surrounding roads but due to the 30mph road speed the road network is suitable for cyclists. There are footways on either side of the carriageway providing suitable connections for pedestrians.

The accessibility of the site is considered to be adequate for the size of the development.

Refuse and Servicing

The applicant has stated that refuse collection and servicing would likely take place from the street or from the hard surfaced area to the southern end of the site. However, further justification is required by the applicant to address how delivery and services vehicles will access the site. The applicant will need to provide justification that the site can adequately be serviced by these vehicles. Planning Obligations/ Community Infrastructure Levy (CIL)

It is not considered that any planning obligations are considered applicable to the proposed development.

Trees and Woodlands

I have no objection, with regard to trees, to either of these applications being approved.

There are no trees of high quality within this Burns Drive residential estate, with some being located too close together to fully develop. All of the trees would attain a low development survey category score and so removal would not be opposed. Retention of a number of established trees would be welcomed but not insisted upon.

The provision of new trees and soft landscaping will aesthetically enhance the immediate environment. Further detail of species, planting size and maintenance

should be submitted for assessment.

Contaminated Land Officer

I note that two previous applications have been submitted in relation to this proposed residential development (4/01775/14/PRR and 4/01126/15/FUL). Records indicate that I was not consulted in respect of these applications.

However, I was contacted by Mr Matthew Letten of Spectrum Town Planning Consultants on 11 November 2014 to enquire as to whether the Council would expect to see a contaminated land survey submitted upfront with the planning application or whether this is something that is usually secured via planning condition in the event planning permission is granted. He was informed of the site's potentially contaminative former use as a fireworks factory and advised that a contaminated land assessment (Phase I Desk Study) should be undertaken and submitted with the planning application. It was suggested that any further works (intrusive investigation and remediation) could be requested via a planning condition.

I have checked the documentation submitted with this application (and the previous two), it appears that a Phase I Desk Study has not been submitted to date.

To ensure this is undertaken, I recommend that the 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).

Response to Neighbour Notification

A total of 70 objections have been received from local residents; representatives of Burns Drive Management Limited whose members are the leaseholders of nos. 83-143 Burns Drive; and representatives of Burns Drive Associates Limited whose members are the leaseholders of nos. 9-81 Burns Drive. On the whole, the objections made reference to the impact of the proposed development on the on-street parking conditions within the Burns Drive locality. The comments are summarised below:

.In 1974 when Dacorum Council granted planning permission for the Burns Drive flats the planning permission document stipulated that 'None of the dwellings hereby permitted shall be occupied until the car parking and garage accommodation shall have been provided This shows the importance of the garages and parking spaces to the flats and Dacorum Council would have to overturn the 1974 planning permission before houses could be built.

-There are 36 flats at 9-81 Burns Drive and a recent survey showed they have 44 vehicles between them. So even if the garages were simply demolished to make 28 parking spaces then together with the 15 parking spaces there would barely be room for the 44 vehicles.

-The grant of permission for either application will only result in the permanent removal of off-street car parking spaces. This will remove any possibility of these off-street parking areas being returned to the use for which they were originally granted planning permission - serving the residents of nos. 9-81 and 83-143 Burns

Drive. The simple and incontrovertible fact remains that the application site is needed, now and in the future, to accommodate the parking requirements of nos. 83-143 Burns Drive.

- As I live in a flat the bins are emptied every week which means due to the lack of car parking the roads and the paths will be blocked. It has been known not to have our bins emptied because the bin men could not get through.
- While the planning system cannot compel the owner of the application site to use the land for its authorised use, the planning system can resist proposals for unacceptable alternatives. By refusing such proposals the Council will be regulating the use of the land in the public interest. Such a refusal will give a significant, clear and important indication to the applicant (who has only owned the site since February 2015 presumably for the purposes of redevelopment) that the appropriate use of the site is as the parking area for nos. 9-81 Burns Drive.

Further comments were raised in relation to other aspects of the proposed development:

- The plan to build new housing directly next to no. 7 Burns Drive will reduce the amount of light we receive to the front of our house and garden opposite the development (8 Burns Drive)
- Asbestos is likely to be present in the garages. If so what means will be taken to ensure this is safely dealt with and none is released into the air/environment around our houses?
- Additional developments of this nature do nothing for the area of Woodhall Farm but will congest an area close to the small park and playground frequented by lots of young families in addition.
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- If the garages were developed into flats then there would be a distinct loss of light to the current flats which would cause a damp issue as sun would never reach the flats. There would be increased vehicle traffic causing noise and disruption. There would be increased rubbish and fly tipping which is already a problem. There would be a definite visual intrusion
- It will block out the light to the properties next to the development. There is no mention of the existing car parking spaces in the application nor the trees that would need to be removed for the development to proceed.
- As having the ground floor flat besides the garages I am already not getting enough sunlight (some cracks appeared on my walls due to this particular problem and it's been approved with a report by a surveyor during this year). By building flats next to my property will darken my flat even more. (73 Burns Drive)
- My first objection is it will drastically affect my daily living conditions. The light to my living room, my bedroom, kitchen and back door windows will be substantially reduced by a two storey house a metre from my windows. The garages already reduce the amount of light. (7 Burns Drive)
- If planning permission was granted the noise and the mess and the inconvenience would be unacceptable having lorries and diggers everywhere and I would strongly consider moving.
- One of the new dwellings is going to block the light coming into my living room and

will be worse for my neighbours below me.(19 Burns Drive)

- It is clear from the application that the communal gardens would be for the occupiers of the proposed houses and constitute a gated development, quite unheard of in Woodhall Farm.
- The flank wall of the new house on Plot 3 is one metre from the flank wall of the existing flats and sufficiently high to cause considerable loss of light through the lounge windows of flats 9, 15 and 19,
- The view of the park would be destroyed.
- Some of the properties would be directly facing us and give them a view into my garden from the first floor resulting in a loss of privacy.
- The gated entrance to the development is not in keeping with the style of housing already in the area and will give a hostile appearance.
- One of the proposed dwellings will be so close to my north facing window in my living room that I will lose light, (also privacy if there is a window in its wall) (15 Burns Drive)

Considerations

Policy and Principle

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Similarly, Policy CS4 of the Core Strategy directs residential development to established residential areas in towns and large villages, such as Hemel Hempstead where the application site is located. Policy CS17 seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is supported in principle in the choice of homes that it provides under Policy CS18 of the Core Strategy.

The proposed development would result in a density of 30 dwellings per hectare (based on one on a plot of 340m²). This would be within the expected range of 30 to 50 dwellings per hectare outlined under saved Policy 21 of the Local Plan. It is also consistent with the medium density range of 30 -35 dwellings per hectare set out in the development principles of the character area appraisal HCA 33: Woodhall Farm. Small dwellings of this nature would be encouraged by saved Policy 18 of the Local Plan.

Saved Policy 10 of the Local Plan seeks development to optimise the use of urban land, bringing vacant or underused land into appropriate use as soon as practicable. Of the 28 garages, only three are currently in use. The proposed development would provide three dwellings of the appropriate density compatible with the character of the area, making optimum use of a currently under-used site.

Site layout

The proposed site layout is somewhat unconventional due to the constraints imposed by the need to retain the right of way access to the central areas for the occupiers of the adjacent block of flats. However the proposed dwellings generally align with the form of the existing development. Plot 1 is positioned adjacent to the existing house No. 7 Burns Drive. It is positioned forward by approximately 1m and would be flush with the rear elevation, set back slightly at first floor level to respect the amenities of No.7. The front elevation of Plot 3 would be flush with the front building line of the block of the flats Nos. 9 to 21 Burns Drive and set only slightly further back to the rear.

The dwelling of Plot 2 sits in isolation separated by communal area and approximately 3m forward of Plot 1. However it sits between the terraced dwellings to the north to the block of flats to the south and therefore is not within an area defined by a strong uniform pattern of development. A distance of 3.0 minimum setback from the street frontage is retained which broadly accords with the front gardens of the terraced dwellings in the area.

The communal and landscaped garden areas would contribute to the open space character and ensure consistency with the density of development in the locality. Initial concerns raised about the management arrangements for this area have been addressed in the application. The area will be gated and available only for the occupiers of the proposed dwellings. Should any of the occupants of the flats wish to access this area they would need to arrange this with a management company that would be set up to facilitate such visits. Access would therefore be controlled, ensuring security and increased privacy for the occupiers of the proposed dwellings.

The landscaped garden areas within the north-west part of the site and along the boundary of Burns Drive is welcomed and would provide a visual enhancement to the site for the adjoining residents. A logical division of the site is proposed with the parking spaces available for the community located within the southern half of the site in proximity to the flats and the existing vehicle entrance from Burns Drive. The private residential component with communal amenity space is contained within the northern part.

Plot 2 is set further forward on the site separated by the communal garden and Plot 3 is further back into the site and diagonally across from Plot 2. To avoid potential overlooking between rear facing first floor bedroom windows high level windows are proposed to Plot 2 with glazing in the roof above; obscure glazing and high level windows are proposed for Plot 3.

Alterations have been incorporated into the scheme in response to comments raised by the Crime Prevention officer at the pre-application stage. In terms of the principle of the development, the Crime Prevention officer is broadly in favour of the development as it will remove a garage area with hidden away recess areas with little to no natural surveillance. The officer is satisfied with the application proposals with regard to designing out crime.

The existing garage court comprises some used and some unused flat roof blocks of garages with the site entirely covered by hard standing. In terms of layout the proposal is acceptable and would provide a significant visual improvement over the existing garage and hardstanding areas.

Impact on Street Scene

The 2.5 metre high concrete wall which links two sets of garages and aligns the boundary of Burns Drive is prominent in the street scene. The site beyond is dominated by hard standing and garages which have a detrimental visual impact on the locality. The immediate area of Burns Drive and surroundings is characterised by the open frontages of the terraced dwellings, blocks of flats and the open space of Woodhall Farm Park beyond. The proposed detached dwellings and landscaped communal areas are consistent with this residential character and are considered to make a positive contribution to the street scene.

The houses are of a simple, standard design in keeping with nearby housing and consistent with the small to medium size of dwellings within the area. The dwellings broadly mirror the nearby terraced dwellings in terms of eaves and ridge height and fenestration pattern. Facing brickwork is proposed with render at first floor; the nearby terraces have a combination of facing brickwork and hung tiles or painted white timber bargeboarding. Plot 3 introduces a front facing gable and window feature into the roof.

As outlined above the dwellings are positioned within an unconventional layout due to the access constraints of the site. The dwellings of Plots 1 and 3 respond to the building lines of the adjoining development; however Plot 2 is isolated. It maintains a set back from the street frontage and responds to the bend in Burns Drive. Visibility through the proposed boundary treatment to communal landscaped areas will be achieved. On balance it is considered that overall the staggered effect of the dwellings with communal space between will result in an improvement to the street scene.

The proposals are of a scale and layout that is in keeping with the character of the area. The application is therefore considered to integrate with the streetscape and accord with Policies CS11 and CS12 of the Core Strategy.

Impact on Trees and Landscaping

Trees and Woodlands have confirmed that they have no objection to the loss of trees on the site but would welcome the retention of a number of established trees. A condition attached to a permission would require the provision of and details of new trees and soft landscaping that aesthetically enhance the environment to be submitted for approval.

Parking

The proposed development provides four parking spaces for the three dwellings, two serving Plot 1 and one space each for Plot 2 and 3. The provision for Plots 2 and 3 is slightly below the standards set out in Appendix 5 of the Local Plan which sets the standard as 1.5 spaces for a two-bed dwelling. The applicant initially proposed two spaces per dwelling which would result in an over-provision based on the standards which are a maximum. It is considered that one space per dwelling is consistent with the overall parking provision within the area and is only marginally lower than the maximum standard.

Impact on Highway Safety

There are clearly problems with the parking within Burns Drive which have resulted in on-street parking congestion. In order to alleviate the existing on-street parking the applicant has offered to enter into a unilateral undertaking that obligates the owner of the land to provide 12 parking spaces within the site that would be available free of charge in perpetuity to the residents of the adjacent flats Nos. 9 - 81 Burns Drive. A further 19 spaces are to be provided on the nearby site subject to application ref. 4/02840/15/FUL. This would result in a total of 31 spaces available for the residents of the flats Nos. 9-81 and 83 - 143 Burns Drive. The provision of these additional spaces will assist in improving the existing on-street parking issues in the area.

Impact on Neighbours

Plot 1 is positioned adjacent to No. 7 Burns Drive but maintains separation of approximately 900mm. It would be positioned forward by approximately 1.0m from the front building line and would be flush with the rear elevation at ground floor. At first floor it would be set back 1.0m from the rear building line but approximately 500mm from the first floor rear building line of No. 7. This set back will ensure that no impacts would arise to No.7 in terms of creating a sense of enclosure or loss of light to their principal windows. There is a window on the flank elevation at ground floor of No. 7 that will suffer from a reduction in light however this is a secondary window serving the kitchen. The principle windows are to the front and rear of the dwelling. No windows are proposed to the rear elevation that would overlook No. 28 Bronte Crescent. In all respects the impact on the amenities of No.7 Burns Drive and No. 28 Bronte Crescent would not be considered to be unduly harmful.

Plot 3 has a 1.0m separation with the adjoining block of flats. It is positioned flush with the front building line of the adjoining block of flats and extends approximately 500mm beyond the rear building line. As with No. 7 Burns Drive there are windows to the flank elevation of the block of flats however these windows are secondary high level windows with principle windows located on the front and rear elevations. Whilst the flank elevation windows on the lower floors will experience a reduction in light only limited weight is afforded to this impact on the basis that they not the primary windows providing light to these rooms.

Two small windows are proposed to the flank elevation of Plot 2, one of which is to be in obscured glazing. The separation distance between this windows and the flank elevation is approximately 21m, which is slightly less than the standard 23m. However due to the small size of the window and distance separation it is considered that overlooking impacts between the proposed and existing development would be minor and not unduly harmful.

Sustainability

The application has been supported by a sustainability checklist as appropriate and is considered to satisfy the criteria of CS29. A construction management plan is to be produced setting out a commitment to using sustainable materials sourced locally, an efficient use of water and recycling of waste during construction. Solar panels are proposed to the roof and further measures explored in order to achieve compliance with Building Regulations and Code for Sustainable Homes level 4.

An energy statement has been submitted that has been assessed as acceptable by C-Plan meeting a target level of 2.

CIL

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 3 within which a charge of £100 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 **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a legal agreement requiring the provision and maintenance of the communal parking and subject to the following conditions:

RECOMMENDATION -

- 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 and to accord with adopted Core Strategy CS12.

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

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;

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 in accordance with adopted Core Strategy Policy CS12.

- 4 **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.

- 5 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 4 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

- 6 **A 0.65m X 0.65m visibility splay shall be provided and permanently maintained each side of the access of Plot 1 car park spaces, measured from the edge of the access way to the edge of the carriageway/back of the footway, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway/footway level.**

Reason: to provide adequate pedestrian visibility for drivers entering or leaving the site.

- 7 **The development shall not begin until details of the disposal of surface water from the drive and parking area have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The dwelling shall not be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.**

Reason: To minimise danger, obstruction and inconvenience to highway users.

- 8 **The development hereby permitted shall be carried out in accordance with the approved sustainability and energy statements.**

Reason: To ensure the sustainable development of the site in accordance with adopted Core Strategy Policy CS29.

- 9 **The window at first floor level of Plot 2 in the north elevation and the windows at first floor level of Plot 3 in the west and north elevations hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the development hereby permitted and the adjacent dwellings in accordance with adopted Core Strategy Policy CS12.

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

**Site Location Plan;
C175/13/02 Rev B;
C175/13/03 Rev A;
C175/13/04 Rev B;
C175/13/05 Rev A;**

C175/13/06.

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

Article 31 Statement:

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

THAMES WATER INFORMATIVE:

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 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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.

HIGHWAYS INFORMATIVES:

All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development.

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

Informative:

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

The Highway Authority requires the alterations to or the construction of the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this or use link: <https://www.hertsdirect.org/droppedkerbs/>