

ITEM NUMBER: 5c

21/02964/FUL	Demolition of 3x existing garages and erection of 1x 4 bedroom shallow bungalow with 4 dormers on roof slope including parking space, bin and bike stores	
Site Address:	118 Hempstead Road, Kings Langley, Hertfordshire, WD4 8AL	
Applicant/Agent:	Mr Akhtar	Mr A MARTIN
Case Officer:	Daniel Terry	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	The Parish Council has provided a contrary view to the officer recommendation	

1. RECOMMENDATION

1.1 That planning permission be GRANTED, subject to conditions.

2. SUMMARY

2.1 The proposal would amount to inappropriate development in the Green Belt, however Very Special Circumstances exist in this case which provide a clear reason for supporting the application. As such, the proposal is considered to comply with policy CS5 of the Core Strategy and accords with the NPPF.

2.2 The design, appearance and scale of the dwelling has been amended through discussions between the LPA and the applicant and the revised scheme is considered acceptable and complies with policies CS11 and CS12 of the Core Strategy.

2.3 The proposal would not result in unreasonable harm to neighbouring amenity and the living conditions of the future occupiers of the site are considered adequate, subject to appropriate planning conditions. The proposal therefore accords with policy CS12 in that regard.

2.4 There would be no significant impacts on highway safety and the scheme would provide adequate parking provision in accordance with the Council's Parking Standards SPD. The proposal also therefore complies with policy CS12 of the Core Strategy.

3. SITE DESCRIPTION

3.1 The application site lies on the eastern side of Hempstead Road and comprises an area to the side of No.118 Hempstead Road, currently occupied by two buildings. One of these is described in the planning history as a workshop but understood to be in an ancillary residential use, whilst the building shown as 'C' benefits from a Lawful Development Certificate confirming this can be occupied as a residential annex. As a procedural point, it should also be noted that all three buildings have been described as garages, but this is not the case as set out above.

3.2 The building shown as 'B' benefits from a Lawful Development Certificate but has not yet been constructed. This would comprise of a triple garage, if constructed.

3.3 The site lies within the Metropolitan Green Belt.

4. PROPOSAL

- 4.1 Full planning permission is sought for the demolition of all existing structures on site and for the construction of a 4-bed dwelling, with two bedrooms at ground floor and two bedrooms at first floor.
- 4.2 Two parking spaces have been shown on the plans to the side of the dwelling, along with a bike store and a bin store to the front boundary. The development would be accessed via the existing access onto Hempstead Road shared with No.118 Hempstead Road.

5. PLANNING HISTORY

Planning Applications (If Any):

20/03228/FUL - Demolish Workshop. Construction of 3 Bed House.
Refused - 14th December 2020

4/01863/19/LDP - Conversion of storage shed to residential annexe
Granted - 30th September 2019

4/02813/18/FHA - Rear loft conversion
Granted - 2nd January 2019

4/01986/18/LDP - Construction of out building to create a cinema / games room
Refused - 20th November 2018

4/01985/18/LDP - Construction of garage
Granted - 20th November 2018

4/02355/02/FHA - Extension of cross-over
Refused - 13th January 2003

4/00070/93/FHA - Two storey side extension & double garage
Granted - 1st April 1993

Appeals (If Any):

6. CONSTRAINTS

Article 4 Directions: Land at Abbots Rise, Kings Langley
Canal Buffer Zone: Minor
CIL Zone: CIL2
Former Land Use (Risk Zone):
Green Belt: Policy: CS5
Heathrow Safeguarding Zone: LHR Wind Turbine
Oil Pipe Buffer: 100
Parish: Kings Langley CP
RAF Halton and Chenies Zone: Yellow (45.7m)
Parking Standards: New Zone 3
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (July 2021)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - Green Belt
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS25 - Landscape Character
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Parking Standards SPD (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- The policy and principle justification for the proposal;
- The Impact on the openness of the Green Belt;
- Whether Very Special Circumstances exist;
- The quality of design and impact on visual amenity;
- The impact on residential amenity; and
- The impact on highway safety and car parking.

Principle of Development

9.2 The application site lies within the Metropolitan Green Belt wherein policy CS5 of the Core Strategy states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. This policy does however go on to state that small-scale development within the Green Belt will be permitted, inter alia, for the replacement of existing buildings in the same use; or for the redevelopment of previously developed sites, provided that it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.

- 9.3 The above is considered to be broadly consistent with the NPPF, which states in paragraph 149 that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt, however there are a list of exceptions to this which includes d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; or g) the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
- 9.4 It is therefore concluded that the proposal could be acceptable in principle and an assessment of the proposals and impact on Green Belt openness is provided below.

Impact on the Openness of the Green Belt

- 9.5 With regard to both paragraph 149 d) and 149 g) of the NPPF, one starting point in terms of the Green Belt assessment is to consider any increases of built form in floor space and volume terms. The submitted 'existing' site plan suggests that there are three existing buildings that would be demolished and these have a cumulative floor area of 167.9sqm (square metres) and a volume of 530.2cu.m (cubic metres).
- 9.6 Notwithstanding the above, it is noted that the building shown as Building B has not yet been built out, so in terms of firstly understanding the existing position on site, the Local Planning Authority's (LPA) view is that the 'existing' buildings are therefore those shown as A and C. Based on the planning history and from measuring the plans, building A has a floor area of 45.4sqm and a volume of approximately 109cu.m, whilst building C has a floor area of 48.6sqm and a volume of 113cu.m (noting therefore some slight discrepancy with those figures stated on the plan).
- 9.7 Taking buildings A and C together therefore, the existing built form on site to be replaced amounts to a floor area of 94sqm and a total volume of 222cu.m. This compares with the proposed built form of 147.6sqm and a volume of 366.15cu.m and as such, would be larger in built form terms than those buildings currently occupying the site. As such the proposal would not comply with paragraph 149 g) of the NPPF. It is of further note that the buildings to be demolished would have heights ranging between 3.1m and 4.6m, whilst the proposed dwelling would have a maximum height of 5m.
- 9.8 There is no definition as to what constitutes 'materially larger' for a replacement building in the Green Belt and so cases must be assessed on their own merits, however at an increase in floor area of around 63% and a volume increase of around 60.6%, it is considered that the replacement would be materially larger and so the proposal would fail to comply with paragraph 149 d) of the NPPF. It is therefore appropriate to consider whether any Very Special Circumstances exist.
- 9.9 In addition to the above, there would also be some other limited harm in Green Belt terms from the intensification of the site and likely increase in vehicular movements. This is because the occupation of the site as a separate dwelling unit would be more intensive compared with the likely occasional use of the outbuildings at present.

Whether Very Special Circumstances exist

- 9.10 As the proposal would be larger than the buildings it would replace, the proposal is considered to constitute inappropriate development. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 adds that, when considering

any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 9.11 In this regard, the applicant has indicated that Building B benefits from an existing Lawfulness Development Certificate (LDC) under ref: 4/01985/18/LDP. This outbuilding would comprise of a triple garage with a floor area of 72sqm and a volume of 222.8cu.m. When combining this with the existing buildings A and C, this would therefore mean a total floor area of 219.6sqm and a total volume of approximately 589cu.m, whereas the proposed dwelling would have a floor area of approximately 165sqm and a volume of 381.3cu.m (again noting some discrepancy with what is stated on the plans).
- 9.12 Therefore, notwithstanding that there is some discrepancy between the officer calculations and the figures provided by the applicant, it is nonetheless clear that the existing built form, together with what could be achieved under permitted development, would result in a greater amount of built form than is currently being proposed under this application. As such, it is considered that the proposal represents a betterment in built form terms and in addition, would result in the consolidation of built form. Furthermore, the removal of a substantial amount of existing hardstanding to be replaced largely in part by a new lawn, would also be a recognised benefit of the scheme.
- 9.13 Therefore, taking all of the above into consideration, it is considered that Very Special Circumstances do exist and present a clear reason for supporting the application in this instance and the proposal is therefore considered to accord with paragraphs 147 and 148 of the NPPF. Whilst the proposal is therefore considered acceptable in Green Belt terms, it is appropriate in this instance to remove permitted development rights to ensure that further extensions, outbuildings etc. to the dwelling would not take place, which may ultimately result in a greater impact to the openness of the Green Belt.

Quality of Design / Impact on Visual Amenity

- 9.14 Policies CS11 and CS12 of the Core Strategy state that development should respect the typical density intended in an area and enhance spaces between buildings and general character; preserve attractive streetscapes and enhance any positive linkages between character areas; avoid large areas dominated by car parking; retain important trees or replace them with suitable species if their loss is justified; plant trees and shrubs to help assimilate development and softly screen settlement edges; integrate with the streetscape character; and respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.
- 9.15 Concerns were raised by the Council's Conservation and Design Officer during the course of the application. It should be noted that the site is not within a Conservation Area and the nearest listed building is around 105m away to the north-west, being the former 'The Eagle' public house, but most recently occupied by Inspired and The Kitchen, two food establishments. The C&D Officer's comments therefore relates solely to the design aspects of the scheme and make no mention of impacts to heritage assets.
- 9.16 Although the LPA cannot design a scheme on behalf of the applicant, discussions did take place during the course of the application, in which officers shared the concerns of the C&D officer. To avoid what was initially considered a somewhat 'squat' appearance, amended plans were received which reduced the depth of the first floor level, thus correcting the pitch of the roof to a more appropriate appearance, and the dormer windows were made smaller in scale. The view of officers is that this proposed dwelling now has a more appropriate

appearance in the context of the site on Hempstead Road, whilst ensuring that the scale and height are also appropriate in Green Belt terms.

- 9.17 With regard to the choice of building materials, the C&D Officer raised concerns with the vagueness of details provided, suggesting that they would 'match the existing building', although it is unclear whether this means No.118 Hempstead Road, the two buildings to be demolished or the triple garage that could be built under PD. In any case, it is considered appropriate to impose a planning condition requiring details of the material to be submitted for the avoidance of doubt.
- 9.18 In terms of the general site layout, the positioning of the dwelling would appear to largely respect the location of No.118 and No.120 Hempstead Road in terms of their position in relation to the highway. Parking would be provided to the side of the dwelling and a reasonably sized garden would be provided to the front, side and rear of the dwelling itself. Based on the limited detail provided at this stage, it is considered appropriate to impose a condition requiring a landscape scheme to be submitted.
- 9.19 Therefore, the proposals are considered to comply with policies CS11 and CS12 of the Core Strategy.

Impact on Residential Amenity

- 9.20 Policy CS12 of the Core Strategy states that development should provide a safe and satisfactory means of access for all users; and avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.
- 9.21 Paragraph 130 of the NPPF adds that proposals should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.22 Based on the site specific context, it appears that the only residential property likely to be subject to potential harm is the existing dwelling at No.118 Hempstead Road. Its adjoining neighbour to the north, No.120 would be 'shielded' from the development by this attached neighbour. Similarly, at a distance of around 41m it is not considered that the proposal would unreasonably impact No.121 Hempstead Road to the opposite side of the highway, as that neighbour is located on a higher ground level and there is existing vegetation along the western edge of the application site which would prevent any direct views.
- 9.23 Therefore with regard to the impact on the existing dwelling at No.118, the two dwellings would be separated by a distance of around 14m at its nearest point. There is no policy requirement or guidance for side-to-side distances but spacing should ideally be consistent with those found locally, or greater. In this instance, the spacing between this proposed dwelling and the existing at No.118 would be considered to generally respect the spacing that can be found on the opposite side of the highway between No.121 and No.123 Hempstead Road.
- 9.24 It is noted that No.118 comprises a number of window openings in its side elevation facing the application site, however at a distance of around 14m, it is not considered that the physical built form would unreasonably affect this existing dwelling. Similarly there are no windows proposed in the side elevation that would appear to overlook this existing dwelling. The windows proposed at first floor level in the rear elevation (served by dormers) would appear to provide some element of overlooking of No.118's rear garden, however this is partially screened by existing mature trees along the eastern boundary of the site. No concerns are raised in relation to the side facing windows as these are located at ground

floor level and would not provide any advantageous views above simply standing on the site where the proposed parking spaces are located.

- 9.25 With regard to the living conditions of the future occupiers of the site, the windows in the principal and rear elevations are considered to have an acceptable outlook, as would the ground floor windows in each of the side elevations. Saved Appendix 3 requires new dwellings to have a garden depth of at least 11.5m, but in this case, the main part of the garden would only have a depth of around 10.5m. The dwelling could be moved farther forward towards the highway to ensure this extra garden depth, however this would compromise other aspects, such as the outlook from the windows and potential noise impacts from the highway. In any case, the dwelling would be set within a relatively spacious plot with garden areas also provided to the front and sides of the dwelling. It is therefore considered that the proposal would be acceptable in this instance and the garden areas in total would appear to be at least double the size of the footprint of the house.
- 9.26 The proposal is therefore considered to comply with policy CS12 of the Core Strategy insofar as residential amenity is concerned and complies with the guidance of the NPPF in this regard.

Impact on Highway Safety and Parking

- 9.27 Policy CS12 of the Core Strategy and paragraph 110 of the NPPF require development to provide safe and suitable access for all users.
- 9.28 The Highway Authority have been consulted who consider the use of the existing access to be acceptable, noting there are no reported incidents in the past 5 years. The HA also consider that the increase in the number of vehicular movements would be minimal. Lastly, they note that, whilst parking is a matter for the LPA, they consider that there is sufficient space shown on the plans to allow vehicles to turn and exit the site again in a forward gear.
- 9.29 In sustainability terms, the Highway Authority note that the nearest bus stops are within 400m of the site and that Apsley station is around 1.2km away, both of which are considered reasonable distances for walking or cycling, in accordance with HCC's Local Transport Plan (2018). There are no apparent concerns in relation to bin collection of emergency vehicle access and as such, the Highway Authority raise no objections to the application. They have however suggested three planning informatives that should be included as part of any grant of planning permission.
- 9.30 With specific regard to parking, the Council has adopted its Parking Standards SPD (2020) which suggests that a 4-bed dwelling located in zone 3 should be provided with at least three parking spaces, whilst two have been indicatively shown on the plans. It is however noted that parking spaces should be a minimum of 2.4m by 4.8m and the spaces shown would exceed these requirements. As such, it appears entirely plausible that a third space could be provided to the side of the dwelling without affecting the turning space on site. This is important because the existing dwelling at No.118 would share this space between the two dwellings. Therefore with regard to parking, the LPA raises no concerns and it appears that the development would be served by adequate parking provision. Similarly, sufficient parking spaces would be retained to the existing dwelling at No.118 Hempstead Road.
- 9.31 The Parking Standards SPD also requires new development to incorporate electric vehicle charging points and these have not been shown on the plans and should therefore be secured via a planning condition.

- 9.32 As such it is considered that the proposal would be acceptable in respect of highway safety and parking provision. The proposal is therefore considered to comply with policy CS12 of the Core Strategy, the Parking Standards SPD and complies with the NPPF in this regard.

Other Material Planning Considerations

- 9.33 With respect to trees, the Council's Trees and Woodlands Officer considered that the trees surrounding the site on three sides are of no particular merit and that these could be replaced with a more appropriate species. However, these trees appear to fall outside of the application site and so are not within the scope of this application to replace. That being said however, the impact on these trees is still a consideration.
- 9.34 The proposed dwelling would be positioned away from these trees thereby providing an improved relationship between these trees and built form, as the existing buildings are located partly under the canopy of these trees. Furthermore, the conversion of the existing hardstanding into a lawn would also make a modest improvement to the potential impact on these trees which is already taking place. In the interests of certainty, it is therefore considered appropriate to request further details of tree protection via a planning condition. This would need to be a pre-commencement condition to ensure that no damage is caused during the demolition of existing structures. In addition to the above, a landscaping condition has already been mentioned above which would ensure appropriate new tree planting and a sufficient quantity of soft landscaping overall.
- 9.35 The Council's Environmental Health team have also been consulted and raise no objections in relation to Contaminated Land, although a standard 'discovery' condition has been suggested. With regard to impact on the living conditions of the future occupiers, the EH Officer considers it necessary and appropriate to impose a condition requiring details of a ventilation strategy to be submitted. This is on the basis that the dwelling may be subject to high levels of noise given the proximity of Hempstead Road and the railway line some distance to the east. Therefore any opening of windows may result in high levels of noise.
- 9.36 Thames Water have commented and confirm that they have no objection, although they have suggested a number of planning informatives.

Response to Neighbour Comments

- 9.37 No comments have been received from neighbours.
- 9.38 The Parish Council have raised concerns with the impacts on the openness of the Green Belt and questioned whether Very Special Circumstances exist. This has been set out above in the report. Further concerns have been raised with regard to parking, highway safety, living conditions of the future occupiers, the layout and density, and the design, all of which have been addressed in the relevant sections of the report above.

10. CONCLUSION

- 10.1 The report has acknowledged that the proposed dwelling would result in a greater impact to the openness of the Green Belt, in both visual and spatial terms, compared with the existing built form on site. As such it has been necessary in this instance to consider whether there are any Very Special Circumstances. In this case these include that a large detached triple garage outbuilding could be constructed under Permitted Development without needing planning permission, and a Lawful Development Certificate has been granted to confirm as such. The LPA therefore considers that there is a legitimate fall-back position in this case and therefore VSC exist to outweigh the harm that might otherwise occur.

- 10.2 The design has been amended through discussions with the LPA and is now considered acceptable, although details of the materials to be used in the external appearance of the building are required via a planning condition. Similarly, further details of the landscaping are required, which should include the provision of at least one new tree.
- 10.3 The report has identified that there would be no unreasonable impacts on residential amenity and the future occupiers of the development would benefit from an adequate outlook and sufficient garden size. A condition is required in relation to ventilation to ensure that no harm would occur to the living conditions arising from noise generated by the highway or train line nearby.
- 10.4 The proposal would be acceptable in relation to highway safety and the proposal would provide adequate parking provision.

11. RECOMMENDATION

11. That planning permission be **GRANTED**, subject to conditions.

Condition(s) and Reason(s):

1. **The development hereby permitted shall begin 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. **Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

3. **a. No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**
- b. If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**

- i. A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- ii. The results from the application of an appropriate risk assessment methodology.

c. No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

d. This site shall not be occupied, or brought into use, until:

- i. All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- ii. A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and to accord with paragraphs 174 (e) & (f), 183 and 184 of the National Planning Policy Framework (2021).

4. Any contamination, other than that reported by virtue of Condition 3 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and to accord with paragraphs 174 (e) & (f), 183 and 184 of the National Planning Policy Framework (2021).

5. No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to protect likely future occupiers of new housing from exposure to road transportation & railway noise ingress.

The ventilation strategy shall include an assessment of the likely impact on the residential occupation and shall also consider:

- o How the ventilation strategy impacts on the acoustic conditions. Where the provision includes any Mechanical Ventilation and Heat Recovery (MVHR) systems, to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade
- o Service and maintenance obligations for the MVHR, where required
- o A strategy for mitigating overheating impacts on the acoustic condition including a detailed overheating assessment to inform this.
- o Likely noise generated off-site where mechanical ventilation is introduced to site and, its impact on existing neighbours and any measures to be made to eliminate noise.

The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation and which remains in perpetuity in respect of the residential use.

Reason: To protect the residential amenities of the future occupiers given the proximity to road traffic and noise, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

6. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

7. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o bin store and bike store;
- o all external hard surfaces within the site;
- o other surfacing materials;
- o means of enclosure;
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.).

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

8. **Prior to occupation of the dwelling, all existing structures located on site as shown on drawing no. Y617/2020/02 shall be removed from the site in full.**

Reason: To ensure satisfactory appearance to the development and to safeguard the openness and visual character of the area in accordance with Policies CS5, CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

9. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be**

submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

10. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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:**

Classes A, B and E of Part 1, Schedule 2.

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 in accordance with policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraphs 130, 148 and 149 of the National Planning Policy Framework (2021).

11. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**Y617/2020/01 (Site Location Plan);
Y617/2020/02 (Existing Block Plan);
Y617/2020/03 (Proposed Block Plan);
Y617/2020/04 (Proposed Ground Floor Plan);
Y617/2020/05 (Proposed First Floor Plan and Roof Plan);
Y617/2020/06 (Garage A Elevations);
Y617/2020/07 (Proposed Elevations);
Y617/2020/07 (Garage B Elevations);
Y617/2020/08 (Garage C Elevations);**

received 21 January 2022.

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

Informatives:

1. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

3. Thames Water: Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.
4. Thames Water: There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
5. 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.
6. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
7. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
8. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
<p>Conservation & Design (DBC) 2nd August 2021</p>	<p>The pre-app advice indicated that a single bungalow on this Green Belt site might be acceptable. A further aspect of Green Belt policy though is to encourage good design - the proposed building does not fulfil that condition. There are two, wide front and back dormers and an entrance door with side panels; otherwise the building is featureless. Its deep plan creates bland flanking walls.</p> <p>The materials for walls/roof/windows/doors are described as 'to match the neighbouring building', but these need to be specified - being of two storeys the neighbouring building is rendered to the upper storey.</p> <p>The existing entrance walling is constructed of brick and flint so there might be scope to design a more sensitive building, perhaps in a more modern idiom but utilising a traditional combination of these materials more creatively.</p> <p>Is the dense tree cover to be removed entirely? This should be an opportunity to improve the landscape quality of the site but there are no details to demonstrate this.</p>
<p>Conservation & Design (DBC) 29th November 2021</p>	<p>I have struggled with this application throughout - there is minimal information about materials ('to match...') and the annotation on the elevations relating to the walls is meaningless. (par..wal..exis...).The dormers have been reduced but are still large in relation to the roof area and utilise wood(?) cladding - painted, stained or in fact Upvc?</p> <p>I cannot find a site plan to show landscaping/treatment of trees, extent of amenity space etc.</p> <p>A competent submission would provide more information to assess the application by, particularly in relation to the site plan and materials. Even better would be a CGI with views of the overall appearance of the building from the front, side and rear, with a full rendering of its setting, in relation to the existing house on site, so as to be able to be sure of the quality of the appearance, materials and context and whether it sits comfortably in, and has minimal impact on the Green Belt.</p> <p>Introducing a single storey rear kitchen wing helps to break up the bulk and depth of the previous submission somewhat, but as I've mentioned previously, the building struggles to fulfil the Green Belt policy promoting good design.</p>

Canal & River Trust	The trust has no comment to make on the proposal.
Kings Langley Parish Council 19 th August 2021	<p>The Parish Council objects to applications 21/02964/FUL as follows:</p> <p>The proposed building does not meet the very special circumstances for Green Belt development because:</p> <ul style="list-style-type: none"> . it causes substantial harm to the openness of the Green Belt, without contributing to meeting an identified affordable housing or housing need within the area of the local planning authority; . the replacement building is materially larger and much more intrusive than the current buildings; and . the siting and height of the building will have a greater impact on the openness of the Green Belt than the existing development. <p>In addition, there are genuine material considerations including:</p> <ul style="list-style-type: none"> . parking, highway safety and traffic issues with two large domestic buildings sharing a single access; . the noise and air quality for the proposed building (similar comment has also been made by DBC environmental and community protection); . the layout and density of the building in order to fit the footprint of the original garages; . the design, location and appearance of this large, two-storey structure in a sensitive, open area.
Kings Langley Parish Council 29 th November 2021	<p>The Parish Council maintains its previously submitted objection from its meeting of 17/8/21, as follows: The proposed building does not meet the very special circumstances for Green Belt development because: it causes substantial harm to the openness of the Green Belt, without contributing to meeting an identified affordable housing or housing need within the area of the local planning authority; the replacement building is materially larger and much more intrusive than the current buildings; and the siting and height of the building will have a greater impact on the openness of the Green Belt than the existing development. In addition, there are genuine material considerations including: parking, highway safety and traffic issues with two large domestic buildings sharing a single access; the noise and air quality for the proposed building (similar comment has also been made by DBC environmental and community protection); the layout and density of the building in order to fit the footprint of the original garages; the design, location and appearance of this large, two-storey structure in a sensitive, open area.</p>
Environmental And Community Protection (DBC) 9 th August 2021	No objections in principle, but potential for an adverse impact due to noise from road (Hempstead Road) and railway. We would advise a condition to assess the noise potential and come up with a suitable scheme of mitigation. This could include reversing the 1st floor layout so bedrooms go on the rear of the development and en-suite bathrooms

	<p>on the front elevation. Likely that railway noise will not be as noisy as road traffic due to separation distances.</p> <p>Suggested condition:</p> <p>Suggested Condition - internal noise</p> <p>No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to protect likely future occupiers of new housing from exposure to road transportation & railway noise ingress.</p> <p>The ventilation strategy shall include an assessment of the likely impact on the residential occupation and shall also consider:</p> <ul style="list-style-type: none"> o How the ventilation strategy impacts on the acoustic conditions. Where the provision includes any Mechanical Ventilation and Heat Recovery (MVHR) systems, to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade o Service and maintenance obligations for the MVHR, where required o A strategy for mitigating overheating impacts on the acoustic condition including a detailed overheating assessment to inform this. o Likely noise generated off-site where mechanical ventilation is introduced to site and, its impact on existing neighbours and any measures to be made to eliminate noise. <p>The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation and which remains in perpetuity in respect of the residential use.</p> <p>Reason</p> <p>Policy CS32 - any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances, will not be permitted.</p>
<p>Environmental And Community Protection (DBC) 16th August 2021</p>	<p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p>

This is considered necessary because the application site is on land which has been previously developed and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

	<p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2: Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
British Pipeline Agency	<p>Thank you for your correspondence regarding the above noted planning application.</p> <p>Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.</p> <p>However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.</p> <p>Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.</p>

Thames Water	<p>Waste Comments</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments</p> <p>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.</p>
Hertfordshire Highways (HCC)	<p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is</p>

not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The proposal is for the demolition of 4x existing garages and erection of 1x 4 bedroom shallow bungalow with 4 dormers on roof slope including parking space, bin and bike stores at 118 Hempstead Road, Kings Langley. Hempstead Road is a 40 mph principle A main distributor route that is highway maintainable at public expense.

Vehicle Access

The garages currently have a gated entrance and dropped kerb onto Hempstead Road. The existing access will be used for the new single dwelling. The existing access has no accident data associated with it in the past 5 years. The existing access is deemed suitable for the new single dwelling as the number of trips will only increase minimally from that of the existing amount and the access has no accidents associated with it in its current form. There will be two parking spaces included for the new dwelling. Parking is a matter for the Local Planning Authority

	<p>and as such any parking arrangements will have to be agreed with them. HCC Highways deems that vehicles can turn on site to enter and exit the highway network in forward gear which is required.</p> <p>Drainage Any proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new driveway would need be collected and disposed of on site.</p> <p>Sustainability The new dwelling includes 3 secure cycle parking spaces. It is located adjacent a footpath that leads North towards Hemel Hempstead. The dwelling will be located 360 metres from the nearest bus stop and 1.2 km from Apsley station. Both these location are within achievable walking and or cycling distance from the dwelling and therefore is in line with policies stipulated in HCC Local Transport Plan (adopted 2018).</p> <p>Refuse / Waste Collection Provision has been made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'.</p> <p>Conclusion HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives.</p>
Trees & Woodlands	<p>Surrounding this site on three sides are mainly leyland cypress trees. On the roadside a mixture of cypress and ash trees appear to be on the highway verge. On the field side and the short return the cypress trees could be in different ownership, perhaps planted by the field owner as screen planting. The trees aren't within a Conservation area nor the subject of a TPO and I wouldn't be recommending the latter. The trees are slightly incongruous in this setting and have little arboricultural or nature conservation interest. They are dominant in terms of the proposal and still have plenty of growing to do - left as they are its unlikely that the new house/residents would have a happy relationship with the trees. Normally where this number of trees surround a</p>

	<p>proposal, the applicant would provide some thoughts about what is going to happen to the trees, how they are to be protected during construction or are they to be felled, whose trees are they and do we need a landscape condition for a more appropriate hedge / screen planting scheme in the event of them being removed.</p> <p>Recommendation: Need more information</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	0	0	0	0

Neighbour Responses

Address	Comments