

ITEM NUMBER: 5c

23/02874/FUL	Subdivision of dwelling to 2 self contained flats.	
Site Address:	194 Belswains Lane Hemel Hempstead Hertfordshire HP3 9XA	
Applicant/Agent:	Mr Keith Jones	Mr Joseph O'Neill
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Nash Mills Parish Council	Nash Mills
Referral to Committee:	The application is referred to the Development Management Committee at the request of Councillor Maddern. Councillor Maddern is concerned with regards to the loss of a family sized 3-bed home and replacement with 2x 1-bed flats. There is a need for more family homes and to replace one with more flats, and the net loss of one bedroom is unacceptable.	

1. RECOMMENDATION

- 1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

- 2.1 The application site is in a residential area of Hemel Hempstead where the proposed development is acceptable in principle in accordance with Policies CS1 and CS4 of the Core Strategy.
- 2.2 The proposed development is acceptable in terms of its siting, design, gross internal area and floor layout. As there are no changes to the bulk, scale and use of materials, it would not detract from the appearance of the street in which it is located. This would be in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.3 There are no new windows proposed, thus the proposals would not result in any detriment to the amenities of neighbouring property in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.4 The proposals raises no highway safety concerns in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020).

3. SITE DESCRIPTION

- 3.1 The application site lies on the southern side of Belswains Lane near to the intersection with Barnacres Road within a designated residential area of Hemel Hempstead.
- 3.2 The site comprises a rendered, end of terrace, two storey, 3 bedroom dwelling with a single storey rear extension. A hard stand parking area is located to the frontage of the site with a small turfed area between the hard stand and the public footpath.
- 3.3 There is an existing dropped kerb and access down the side of the existing building to an additional parking area, a car sales yard and a car mechanics.

3.4 The dwelling has no formal rear garden and there has been no rear garden for more than 10 years. The single storey rear extension and the parking area fills the space where a rear garden would have originally been located. The extension and the parking have been in place since at least 2006.

4. PROPOSAL

4.1 The application seeks full planning permission for subdivision of the existing dwelling into 2 self-contained one bed flats.

5. PLANNING HISTORY

Planning Applications (If Any):

4/00886/19/ADV - 5 x non illuminated fascias. 1 x non illuminated projecting sign. 2 x non illuminated flat aluminium panels (back to back as one sign.) 1 x non illuminated wall mounted totem/folded tray. 1 x non illuminated window vinyl. Opening Hours.
REFUSED - 18th June 2019

4/02953/18/HPA - Single-storey rear extension measuring 6m deep with a maximum height of 3.1m and a maximum eaves height of 2.8m
PRIOR APPROVAL NOT REQUIRED - 19th December 2018

4/00201/17/FHA - Dropped kerb
GRANTED - 12th September 2017

4/01217/02/FHA - Change of use of front garden to driveway to provide parking for two cars
GRANTED - 1st August 2002

4/00491/97/FUL - High security garage block for four vehicles with space for forensic examination
REFUSED - 19th June 1997

4/00663/94/FUL - Formation of mezzanine floor
GRANTED - 29th June 1994

4/00948/91/RES - Submission of details of facing materials pursuant to p/p 4/o584/90 (replacement workshop/office)
GRANTED - 30th August 1991

4/00705/91/FUL - Underground diesel tank
GRANTED - 15th August 1991

4/00270/91/FUL - Installation of underground diesel tank
REFUSED - 25th April 1991

4/00584/90/FUL - Replacement workshop/office
GRANTED - 21st June 1990

Appeals (If Any):

4/00886/19/ADV - 5 x non illuminated fascias. 1 x non illuminated projecting sign. 2 x non illuminated flat aluminium panels (back to back as one sign.) 1 x non illuminated wall mounted totem/folded tray. 1 x non illuminated window vinyl. Opening Hours.
APPEAL ALLOWED IN PART - 4th November 2019

6. CONSTRAINTS

Canal Buffer Zones: Maj
CIL Zone: CIL3
Former Land Use (Risk Zone):
Heathrow Safeguarding Zone: LHR Wind Turbine
Parish: Nash Mills CP
RAF Halton and Chenies Zone: Yellow (45.7m)
Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)
Residential Character Area: HCA18
Parking Standards: New Zone 3
Town: Hemel Hempstead

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 (2023)
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
CS4 - The Towns and Large Villages
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS18 – Mix of Housing
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Dacorum Borough Local Plan 1999-2011 (adopted April 2004) Saved Policies:

Policy 10 – Optimising the Use of Urban Land
Policy 13 - Planning Conditions and Planning Obligations
Policy 18 – The Size of New Dwellings
Policy 19 - Conversions
Policy 21 – Density of Residential Development
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design

Saved Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)
Accessibility Zones for the Application of Car Parking Standards (2020)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Dacorum's Area Based Policies Supplementary Planning Guidance (SPG) (2004): HCA18

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
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 is located within a residential area of Hemel Hempstead wherein the principle of residential development is acceptable in accordance with Policies CS1, CS2 and CS4 of the Core Strategy.
- 9.3 The new dwelling would support the delivery of new homes to address the housing requirements identified in Policy CS17 of the Core Strategy.
- 9.4 Saved DBC Local Plan Policy 10 seeks to optimise the use of available land within urban areas.
- 9.5 The HCA18: Belswains Character Appraisal Area document (2004) states that conversion of dwellings into smaller units may be acceptable.

Conversions

- 9.6 Saved Policy 19 of the Local Plan (2004) notes that the conversion of buildings to incorporate flats or houses will be permitted in residential areas of towns and large villages, subject to the new units comprising a reasonable amount of internal space and the layout accommodating adequate facilities for the new units, (i.e. refuse, amenity space etc.). This policy does however note that conversions should be avoided in instances wherein a significant proportion of houses, (guideline figure 25%), initially constructed as single family dwellings have already been converted.
- 9.7 Having undertaken a planning history search of Belswains Lane, there is evidence of 3 granted conversions from dwellings to flats during the last 20 years. There are several other applications where the proposed development results in flats but they do not include the conversion of existing single family residential dwellings.
- 9.8 Given that there are many dwellings along Belswains Lane and there are only 3 granted planning applications for conversion of an existing residential dwelling to flats it is concluded that the proposal would accord with the 25% conversion limit set out under Saved Policy 19.

- 9.9 The comments received from Strategic Planning (please refer to Appendix A) state that the proposed scheme complies with Core Strategy Policy CS18 (mix of housing) and saved Local Plan Policy 19 (conversions).
- 9.10 Given that the proposal would not exceed the conversion figure set out under Saved Policy 19, and that the site falls within a built up residential area of Nash Mills in Hemel Hempstead wherein new development, (including the conversion of dwellings into smaller units), is encouraged, the proposal accords with Policies CS1 and CS4 of the Core Strategy (2013), the HCA18: Belswains Character Area Appraisal and Saved Policy 19 of the Local Plan (2004).

Quality of Design/Impact on Amenities [Residential and Visual]

- 9.11 The NPPF (2023) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.
- 9.12 The site falls within the HCA18: Belswains Character Appraisal Area document (2004) wherein it is noted that conversion of dwellings into smaller units may be acceptable and there are no special requirements when it comes to design.
- 9.13 There are no changes proposed to the external appearance of the front and side elevations including the roof.
- 9.14 There will be no changes to the scale and bulk of the existing dwelling.
- 9.15 There is one change in the rear elevation in that a door and small window are being replaced with a larger window.
- 9.16 The external changes are considered minor and will therefore be in accordance with CS11, CS12 and adopted Area Based policies guidance SPG and NPPF Paragraph 135.

Impact on Amenities [future occupiers of proposed flats and occupiers of neighbouring properties]

- 9.17 The NPPF (2023) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Policy CS12 of the Core Strategy (2013) states that new development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to properties in the surrounding area. Furthermore, Saved Appendix 3 of the Local Plan (2004) states that residential development should be designed and positioned to maintain a satisfactory level of sunlight and daylight for existing and proposed dwellings.
- 9.18 As there are no changes to the fenestration except for modification of a ground floor window there will be no overlooking as a result of the proposed development.
- 9.19 No extensions are proposed to the existing building so there will be no significant loss of sunlight and daylight as a result of the proposed scheme.
- 9.20 Saved Policy 19 states that flats should have a reasonable amount of internal space. The Gross Internal Floor Area (GIA) for the ground floor flat will be 48 square metres and the first floor flat will be 40 square metres.

- 9.21 National Planning Policy Guidance states that LPA's should refer to the Nationally described space standards.
- 9.22 The minimum GIA for a one bedroom flat is 39 square metres. The proposed scheme meets the National Standards for minimum GIA.

Amenity Space

- 9.23 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. It also notes that a reduced rear garden depth may be acceptable in some cases, in particular, for development that backs onto, or is sited within close proximity of open land, public open space or other amenity land.
- 9.24 The proposed new units will not have any private garden area but the existing 3 bedroom dwelling has had no amenity space for at least 10 years.
- 9.25 It is considered that the use of the building for two x one bedroom flats is more appropriate than a 3 bedroom dwelling based on the lack of amenity space.
- 9.26 In light of the above and noting that the site is within close proximity of several small parks and the Grand Union Canal towpath it is felt that the lack of private amenity spaces for the new units can be justified against the above policy.

Impact on Highway Safety and Parking

Highway Safety

- 9.27 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon, inter alia:
- the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and
 - the environmental and safety implications of the traffic generated by the development.
- 9.28 Policy CS12 of the Dacorum Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.
- 9.29 The application proposes the retention of the existing access and dropped kerb.
- 9.30 Hertfordshire Highways stated that subject to the inclusion of a number of informatives, they do not wish to restrict the grant of planning permission.
- 9.31 The Highways Officer noted that the proposed flats would be 650 metres from Apsley station and 100 metres from the nearest bus stop. Both these are within achievable walking and or cycling distance from the proposed flats.
- 9.32 It is concluded that the site is a sustainable location for an additional dwelling unit.

Parking

9.33 Policy CS8 of the Dacorum Core Strategy states that new development should provide sufficient, safe and convenient parking based on car parking standards, while Policy CS12 of the Dacorum Core Strategy states that development should provide sufficient parking and sufficient space for servicing. Whilst Policy CS12 makes clear that sufficient parking should be provided on site, Policy CS11 makes clear that development should avoid ‘ large areas dominated by car parking’.

9.34 The Parking Standards Supplementary Planning Document was formally adopted on 18th November 2020 and advocates the use of a ‘parking standard’ (rather than a maximum or minimum standard), with different levels of standard in appropriate locations and conditions to sustain lower car ownership.

9.35 Section 6 of the Parking Standards Supplementary Planning Document states that:

The starting principle is that all parking demand for residential development should be accommodated on site; and the requirements shown are ‘standards’ - departures from these will only be accepted in exceptional cases, when appropriate evidence is provided by the agent/developer for consideration by the Council, and the Council agrees with this assessment.

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Different standards for C3 use are provided as set out in the table in Appendix A, based on the three accessibility zones referred to in section 4.8 and shown in Appendix B.

9.36 The application site is located within Accessibility Zone 3 wherein the expectation is that the following parking provision would be achieved:

1 bedroom	Allocated	1.25
	Unallocated	1.00

9.37 The proposed scheme would therefore require 2 x 1.25 parking spaces ie. a total of 2.5 spaces.

9.38 The proposed site layout indicates that 3 parking spaces with the requisite dimensions (2.4m x 4.8m) are to be provided.

9.39 Para 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

9.40 Based on the information given it is considered that the parking provision meets the standards outlined in the Parking SPD and therefore the proposed new dwelling would not have an adverse impact on parking and highway safety in the surrounding road networks.

9.41 The proposal therefore complies with the Parking Standards SPD and Policy CS8 and CS12 of the Core Strategy 2013.

Other Material Planning Considerations

Contamination

9.42 As the site is within a former land use risk zone area the Contaminated Land Officer was consulted. The Contaminated Land Officer raised no objection on the grounds of land

contamination and stated that there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended.

Environmental Health

9.43 The Environmental Health Officer was consulted regarding this application and raised no objections or concerns re: noise, odour or air quality. However it is recommended the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds.

Impact on Trees and Landscaping

9.44 The only vegetation on the site is that which is located between the hard stand area and the public footpath. It is recommended that a condition be set requiring a landscaping plan of the frontage showing sufficient room for the parking of one car and adjacent landscaping.

Ecology

9.45 HCC Ecology were consulted on the application and raised no ecological objections.

Waste Management

9.46 The location for the storage of refuse bins has been shown on the proposed block plan and they are to be located between the two proposed parking spaces for flat 2 and the rear extension of the ground floor unit. These bins will be put to the front of the dwelling on collection day and collected by the existing refuse trucks.

Impact on the Canal

9.47 Due to the site's location within a Canal Buffer Zone the Canal and River Trust (CRT) were consulted. The CRT raised no objection to the proposed development.

Response to Neighbour Comments

9.48 Comments received from neighbours include:

- Noise from proposed first floor kitchen/dining room;
- Decreasing the value of the adjoining properties; and
- Fire Risk.

9.49 The noise issue has been addressed above under comments from Environmental Health.

9.50 The decrease in property value is not a material planning consideration. The change of use of the bedroom to a kitchen could take place without planning permission.

Comments from Nash Mills Parish Council

9.51 The Parish Council have no objection to the proposed development.

Community Infrastructure Levy (CIL)

9.52 Policy CS35 of the Core Strategy (2013) 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 1st July 2015. The application is CIL liable.

Chilterns Beechwoods Special Area of Conservation (CBSAC)

- 9.53 Natural England wrote to the Local Planning Authority on the 14th March following the publication of the Footprint Ecology Report and as a result, the Council is unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chiltern Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.
- 9.54 As such, in light of the obligations set out in the Conservation of Habitats and Species Regulations 2017, the LPA consider that, as the scheme is for new dwellings and there is a possible likelihood that these dwellings could adversely affect the integrity of the SAC (Chilterns Beechwoods) it is necessary to secure Mitigation to reduce the impact on the SAC (SAMM) and discourage visitors away from the SAC (SANG).
- 9.55 Dacorum have produced a Mitigation Strategy which sets out specific tariffs towards SAMM and SANG, on a 'per dwelling' calculation to offset the negative impact of the development on the Integrity of the SAC.
- 9.56 The National Trust has confirmed that these Strategic Access Management and Monitoring (SAMMS) measures will cost a total of £18.2million. This cost will be shared across all of the affected local authorities. In Dacorum, this means that developers will be required to pay a tariff of £913.88 for each new home built.
- 9.57 To help to reduce recreational pressures on Ashridge Commons and Woods, alternative green spaces need to be identified. All new developments within the Zone of Influence will need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere. Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. We have so far identified Bunkers Park and Chipperfield Common as SANGs. Developers that are unable to provide a suitable new SANG will be required to make a payment to us towards the long-term management and maintenance of these sites, which equates to £4,251 per new home.
- 9.58 The LPA will seek this financial contribution in order to complete its obligations under the Habitat Regulations.

10. CONCLUSION

- 10.1 The principle of such new dwellings in this location are acceptable.
- 10.1 The proposed development will retain the streetscape character and respect adjoining properties as no major external works are proposed. Thus would accord with policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) and adopted Area Based policies guidance SPG and NPPF Paragraph 135.
- 10.3 It is considered that the proposed development would not significantly harm the living conditions of the adjacent neighbours and future occupiers of the proposal, thus would comply with the NPPF, Core Strategy Policy CS12 in this regard and Saved Appendix 3 of the Local Plan, which together amongst other things, seeks to protect residential amenities.

10.4 The proposed new dwelling would not have an adverse impact on parking and highway safety in the surrounding road networks, thus would accord with Saved Policy 51, the Parking Standards SPD and Policy CS8 and CS12 of the Core Strategy 2013.

11. RECOMMENDATION

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) and subject to the following planning 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. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**Site Location Plan DWL 03
Proposed Block Plan DWL 03a
Existing and Proposed Elevations DWL04
Floor Plans DWL 01**

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

3. **Prior to occupation full details of both hard and soft landscape works to the front of the dwelling must be submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- all hard surfaces to the frontage of the site;
- soft landscape works to the front of the site including the number, size, species and position of trees, plants and shrubs;

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 in terms of preventing the frontages of dwellings being dominated by hard stand areas for parking 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).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led 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 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.
3. 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.
4. 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.
5. Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed:
Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

6. Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
7. Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
8. As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

9. Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Canal & River Trust	The Canal & River Trust is a statutory consultee in Article 18 Schedule 4 Paragraph z(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The

	<p>current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in March 2023 for use from 1 April 2023. It comprises three zones that relate to notifications for different types of scales of proposed development.</p> <p>This application falls outside the notified area for its application scale and location. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.</p> <p>WE are happy to comment on particular applications that fall outside the notified areas where there are relevant circumstances. If you would like the Canal & River Trust's comments in this case or any other, please clarify the reason for your consultation when you send it.</p> <p>Should you have a query in relation to consultation of the Canal& River Trust on planning applications, please email us at planning@canarivertrust.org.uk</p>
Hertfordshire Ecology	<p>ECOLOGICAL IMPLICATIONS</p> <p>Thank you for consulting this office on the above application.</p> <p>Overall Recommendation</p> <p>Application can be determined with no ecological objections (with any Informatives/Conditions listed below) subject to the LPA being satisfied that HRA matters will be addressed.</p> <p>Summary of Advice</p> <p>A strategic mitigation plan and evidence of payment of the appropriate tariff regarding mitigating impacts on the Chilterns Beechwoods Special Area of Conservation (SAC) should be submitted to the LPA prior to determination.</p> <p>Comments</p> <p>We have no in principle objections to these proposals.</p> <p>Habitat Regulations Assessment (HRA)</p> <p>This development has resulted in the subdivision of one dwelling into two self-contained flats. This represents a net increase in residential accommodation regarding a net gain of one residential unit. Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', adverse effects on the integrity of the SAC from the anticipated increase in recreational pressure (in combination with other plans or projects) cannot be ruled out and mitigation is required. This is provided by means of a strategic mitigation plan, to be led by the Council, and the payment of the appropriate tariff for each new dwelling. However, as there is no indication submitted with the proposals to demonstrate that the tariff will</p>

	<p>be paid, adverse effects cannot be ruled out. Consequently, consent cannot be granted until the LPA is satisfied that this matter has been adequately addressed.</p>
<p>Natural England</p>	<p>Thank you for your consultation.</p> <p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 04/01/2024, reference number 460923.</p> <p>The information we requested is still needed by Natural England to determine the significance of impacts on designated sites. Without this information, Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p> <p>Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that 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 not possible, authorisation should be sought from the Highway Authority before construction works commence.</p> <p>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.</p> <p>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</p>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>Comments</p> <p>The proposal is for the subdivision of dwelling to 2 self-contained flats at 194 Belswains Lane, Hemel Hempstead. Belswains Lane is a 30 mph classified C local access route that is highway maintainable at public expense. There is an existing dropped kerb fronting the site which served as an access to the car garage to the rear. The proposal is to keep the existing access and have three parking spaces for the two flats. There is proposed to be no alterations to the existing highway network.</p> <p>The proposed flats will be 650 metres from Apsley station and 100 metres from the nearest bus stop.</p> <p>Both these are within achievable walking and or cycling distance from the proposed flats.</p> <p>HCC Highways would not wish to restrict a grant of approval for the proposal.</p>
Parish/Town Council	NMPC HAVE NO OBJECTION TO THIS PROPOSAL
Environmental And Community Protection (DBC)	Having reviewed the application submission and the Environmental and Community Protection Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.
Canal & River Trust	The Canal & River Trust is a statutory consultee in Article 18 Schedule 4 Paragraph z(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The

	<p>current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in March 2023 for use from 1 April 2023. It comprises three zones that relate to notifications for different types of scales of proposed development.</p> <p>This application falls outside the notified area for its application scale and location. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.</p> <p>WE are happy to comment on particular applications that fall outside the notified areas where there are relevant circumstances. If you would like the Canal & River Trust's comments in this case or any other, please clarify the reason for your consultation when you send it.</p> <p>Should you have a query in relation to consultation of the Canal& River Trust on planning applications, please email us at planning@canarivertrust.org.uk</p>
Hertfordshire Ecology	<p>Dear Elspeth,</p> <p>Application: Subdivision of dwelling to 2 self-contained flats. Address: 194 Belswains Lane Hemel Hempstead Hertfordshire HP3 9XA. Application: 23/02874/FUL ECOLOGICAL IMPLICATIONS</p> <p>Thank you for consulting this office on the above application. Overall Recommendation</p> <p>Application can be determined with no ecological objections (with any Informatives/Conditions listed below) subject to the LPA being satisfied that HRA matters will be addressed.</p> <p>Summary of Advice</p> <ul style="list-style-type: none"> • A strategic mitigation plan and evidence of payment of the appropriate tariff regarding mitigating impacts on the Chilterns Beechwoods Special Area of Conservation (SAC) should be submitted to the LPA prior to determination. <p>Supporting Documents</p> <p>I have made use of the following documents in providing this advice:</p> <ul style="list-style-type: none"> • Existing and Proposed Elevations by Right Plans. <p>Comments</p> <p>We previously wrote to you on the 21st December 2023 regarding the planning application referenced above. Since this letter, we have received new information in the form of amended proposed elevations submitted 5th January 2024. Our comments</p> <p>Creating a cleaner, greener, healthier Hertfordshire- reiterated below -</p>

	<p>remain outstanding and we have no in principle objections to these proposals.</p> <p>Habitat Regulations Assessment (HRA)</p> <p>This development has resulted in the subdivision of one dwelling into two self-contained flats. This represents a net increase in residential accommodation regarding a net gain of one residential unit. Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', adverse effects on the integrity of the SAC from the anticipated increase in recreational pressure (in combination with other plans or projects) cannot be ruled out and mitigation is required. This is provided by means of a strategic mitigation plan, to be led by the Council, and the payment of the appropriate tariff for each new dwelling. However, as there is no indication submitted with the proposals to demonstrate that the tariff will be paid, adverse effects cannot be ruled out. Consequently, consent cannot be granted until the LPA is satisfied that this matter has been adequately addressed.</p>
<p>Natural England</p>	<p>NATURAL ENGLAND'S ADVICE</p> <p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> • Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG. • Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy. <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative</p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009</p>

"Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality

	<p>improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</p>
Hertfordshire Highways (HCC)	Recommendation Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission. Highway Informatives 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: AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should

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Comments

The proposal is for the subdivision of dwelling to 2 self contained flats at 194 Belswains Lane, Hemel Hempstead. Belswains Lane is a 30 mph classified C local access route that is highway maintainable at public expense. There is an existing dropped kerb fronting the site which served as an access to the car garage to the rear. The proposal is to keep the existing access and have three parking spaces for the two flats. There is proposed to be no alterations to the existing highway network.

The proposed flats will be 650 metres from Apsley station and 100 metres from the nearest bus stop.

Both these are within achievable walking and or cycling distance from the proposed flats.

HCC Highways would not wish to restrict a grant of approval for the proposal.

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Strategic Planning &	We consider that neither Core Strategy Policy CS18 (mix of housing)

Regeneration (DBC)	<p>nor saved Local Plan Policy 19 (conversions) provide a basis for refusing this application. Indeed, I am not aware that any applications to sub-divide an existing house have been refused as being contrary to these policies, although there may have been a few,</p> <p>Core Strategy Policy CS18 provides high level guidance on housing mix. With regard to the last sentence in the policy, the South West Hertfordshire Local Housing Needs Assessment (2020) contains advice on the broad mix of sizes of homes for different tenures that we should be aiming for. This assessment shows that there is a need for a wide mix of housing, including more 1 and 2 bedroom homes. The guidance relates to the whole Borough and isn't broken down to smaller areas. We haven't undertaken the sort of detailed analysis that would be needed to conclude that this application should be refused for proposing an inappropriate housing mix.</p> <p>The first part of saved Local Plan Policy 19 on page 70 of the Written Statement indicates that the conversion of houses to flats will be permitted in the towns and large villages, except in certain locations. I don't know the floor space of the existing house, but consider that it would be very difficult to show that points (c) or (d) constitute grounds to refuse the application, particularly as the Council doesn't currently apply the National Described Space Standards for housing (although we are proposing to do so in the new Local Plan). Point (b) is concerned with highways, so that just leaves (a).</p> <p>In relation to point (a), I don't know whether a significant proportion of the family houses in this part of Belswains Lane have been converted to flats, but I very much doubt that it is high enough to justify refusing the application. Even if a significant proportion of houses have already been converted, it would be difficult to justify refusal in the absence of evidence that demonstrates that further conversions would cause harm. Ideally, any such evidence should be supported by a member resolution setting out the Council's approach to further applications for conversions in the area.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	1	0	1	0

Neighbour Responses

Address	Comments
<p>196 Belswains Lane Hemel Hempstead Hertfordshire HP3 9XA</p>	<p>I am objecting to this planning application due to the below reasons</p> <p>Proposal of top flat - Current plans show that the proposed front bedroom will be turned into a kitchen/living room, this room would be adjoining to a bedroom. Due to the nature/use of this proposed room, which will be a high traffic area, it will cause significant noise levels, especially if the proposed room is used early in the morning or late at night. Sleep disturbance would be increased and one of the children in this adjoining bedroom has ADHD and already has disruption to their sleep. Due to the age of the properties, the shared walls allow noise to easily pass between them so unless the flat is soundproofed to current UK regulations of 45dB, noise from items such as TV, radio, washing machine and kitchen equipment will travel into the adjoining property.</p> <p>Concerns with decreasing the value of the adjoining properties</p> <p>Fire Risk - Due to the age of the building and being part of a terrace of 4 houses, has a full fire risk assessment been taken out to assess if a fire in the top flat kitchen would spread quickly through the adjoining houses through the loft cavities?</p>