

4/01629/16/OUT - OUTLINE APPLICATION FOR THE DEMOLITION OF THE EXISTING DWELLING (11 COVERT CLOSE) AND THE DEVELOPMENT OF A BLOCK CONTAINING 6 FLATS (4 X 2-BEDROOM, 2 X 3-BEDROOM) PLUS PARKING AND COMMUNAL AMENITY SPACE..

THE CHILTERN, 11 COVERT CLOSE, NORTHCHURCH, BERKHAMSTED, HP4 3SR.

APPLICANT: Mrs SWIERK.

[Case Officer - Rachel Marber]

Summary

The outline planning consent is recommended for approval.

The principle of residential development in this location is considered acceptable. The proposed outline consent for the demolition of the existing dwelling and construction of an apartment block containing 6 flats would relatively maintain the existing site circumstance and as a result would not severely detriment the visual amenity of the existing dwelling house, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with saved appendices 3, 5 and 7 and policies 10, 13, 18, 21, 58, 99, 100, 101 and 111 of the Dacorum Local Plan (1991), policies CS1, CS4, CS10 CS11, CS12 and CS35 of the Core Strategy (2013), and the NPPF (2012).

Site Description

The application site is located on 11 Covert Close, Northchurch. The site comprises of a corner plot which currently features a detached dwelling with a side and rear garden. The boundary treatment for the site consists of a 1.8 metre high close boarded wooden fence and hedging which wraps around the boundary curtilage of the site.

The surrounding area (Covert Road and Close) is characterised predominantly by detached dwelling houses of various architectural styles situated on spacious plots. The area has a verdant aspect emphasised by the hedge lined street and generous garden plots serving the properties.

Proposal

The application seeks outlined planning consent for the demolition of the existing detached dwelling and construction of one apartment block containing 6 flats. Whilst this scheme has been submitted in outline form the majority of required development details have been submitted at this outline stage.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Northchurch Parish Council.

Planning History

- 4/01012/16/FUL DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 3 X 4 BED HOUSES INTEGRAL GARAGE AND AMENITY SPACE (AMENDED SCHEME)
Refused
15/06/2016
An appeal against this refusal has been lodged and is pending consideration
- 4/00379/16/FUL DEMOLITION OF EXISTING DWELLING AND ERECTION OF 4 x 3 BED HOUSES WITH INTEGRAL GARAGES AND AMENITY SPACES
Refused
12/04/2016
An appeal against this refusal has been lodged and is pending consideration
- 4/01306/04/FHA SINGLE STOREY REAR EXTENSION
Granted
07/07/2004
- 4/00023/00/ROC VARIATION OF CONDITION 4 OF PLANNING PERMISSION 4/1059/86 (ONE DWELLING) TO ALLOW REMOVAL OF FIR TREE
Granted
11/02/2000
- 4/01310/98/FHA TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND PORCH
Granted
16/09/1998

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy (2013)

CS1- Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan (1991)

Policy 10 - Optimising the Use of Urban Land
Policy 13 - Planning Conditions and Planning Obligations
Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting

Policy 101 - Tree and Woodland Management
Policy 111 - Height of Buildings
Appendix 3- Gardens and Amenity Space
Appendix 5- Parking Provision

Supplementary Planning Guidance (2004)

BCA19 (Northchurch)

Constraints

No specific policy designation, established residential area of Northchurch

Summary of Representations

Comments received from consultees:

DBC Contaminated Land

"The site is located within the vicinity of potentially contaminative former land uses (infilled ponds, Darrs Lane). Consequently there may be land contamination issues associated with this site, in particular ground gas migration. I recommend that the standard contamination condition be applied to this development should permission be granted.

Thames Water

No Objection

"Waste Comments

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

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

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company.

Building Control

Support

"Regarding the proposed development, I confirm that I have no issues or further comments and proposal is satisfactory."

Northchurch Parish Council

Objection

*"Northchurch Parish Council **OBJECTS** to this application on the basis that the style and size is out of keeping with the street scene, the gated fence makes it look like a town house. Is the hedge being retained or replaced by metal railing? There are no other flats within the vicinity. Insufficient parking, there is only parking for 8 cars which will mean 4 will be left on the main road. The exit point from car park is via the narrowest part of Covert Road. Not adequate space for amenities ie there will be around 18 wheelie bins."*

HCC Highways

No Objection

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

COMMENTS

Outline planning permission is sought for the demolition of the existing dwelling (11 Covert Close) and the development of a block containing 6 flats (4 X 2-bedroom, 2 X 3-bedroom) plus parking and communal amenity space.

Document CC/0011/16 provides a detailed plan of the proposal.

CONDITIONS

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

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

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

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.

3. The existing access to the site shall be permanently stopped up to vehicular traffic and the highway reinstated to the satisfaction of the Local Planning Authority before the development is brought into use.

Reason: In the interest of road safety.

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

INFORMATIVES

1. Crossovers
2. Obstruction of public highway land:
3. Road Deposits:

PARKING

Parking for 8 vehicles is to be provided in a basement car park, which will be accessed via a new drive and VXO on Covert Road.

ACCESS

The existing access on Covert Close will be redundant and will need to be stopped up and the footpath and kerb reinstated to the height of surrounding footpath.

The section of Covert Road where the new VXO is proposed is unadopted road over which HCC as highways authority has no jurisdiction.

SITE LAYOUT

No internal roads are planned

CONCLUSION

On balance this proposal is unlikely to lead to a significant impact on the surrounding highway."

Strategic Planning

No Objection

"The site is located in a residential area, as shown on the Local Plan Proposals Map. Core Strategy Policy CS4 states that appropriate residential development is encouraged in residential areas.

The Council's Supplementary Planning Guidance (SPG) on Development in Residential Areas is also relevant. The site is in character area BCA19 (Northchurch). The policy statement for BCA19 indicates that flats are not appropriate in this character area and will not be permitted and that the height of new housing development should not exceed two storeys.

We note that two applications for residential development on this site have been refused earlier this year:

- 4/00379/16/FUL: 4 x 3 bed houses
- 4/01012/16/FUL: 3 x 4 bed houses

These applications were refused on design/layout grounds, but there was no objection to the principle of residential redevelopment. We do not have any objections to the form of development now proposed, despite the guidance for BCA19 in the SPG. The key point is that development should be acceptable in terms of the more recent guidance in Core Strategy Policies CS11 and CS12.

Core Strategy Policy CS19 (affordable housing) indicates that affordable homes will be provided in Berkhamsted on sites of a minimum size of 0.16 ha. or 5 dwellings (and larger). However, the position on affordable housing has changed recently because of the Court of Appeal's judgment on the West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government case.

In the light of this judgment, we have obtained formal Officer Decision Sheet approval to begin to apply the Affordable Housing Supplementary Planning Document (SPD) Clarification Note again. The (slightly updated) Clarification Note is being formally reported to Cabinet on 26 July. The reinstatement of this Advice Note will be subject to the Cabinet ratification. However, due to the Court of Appeal judgment being a material planning consideration, the content of the Advice Note will be reflected in all planning decisions made on or after 11th May (i.e. since the date the judgment was issued)._

The reinstated 2015 version of the Clarification Note will state that:

The 2015 version of the Clarification Note states that:

"The main effect of the recent Government announcements is to introduce a new 'national waiver' approach that, in some instances, supersedes the waiver set out in the Council's Affordable Housing SPD. This new waiver applies to developments of 10 units and below with a combined gross internal floorspace of no more than 1,000 sqm which are located outside of the defined 'rural area' (see Figure 1). A lower waiver (5 units) applies in the defined 'rural area' (see below). No minimum gross internal floorspace applies here."

In view of the above, there is no requirement for any affordable housing on the site."

Comments received from local residents (as summarised, for full representations please see Addendum)

7 Covert Close

1. The proposed buildings will be very close to the edge of Covert Close which is not in keeping with all the other properties on Covert Close.
2. Cars parked around the dwelling will pose a significant risk to visualisation of traffic when driving up & down Covert Close, in addition to turning out of Covert Close onto Covert Road.
3. Insufficient allocated parking provision, with 6 flats containing 2 or more cars, a minimum of 12 spaces are required, and where are the guests supposed to

park?

4. Cars parked on Covert Close poses risk to the young children who play in the close, and causes obstruction to driveways, service vehicles and emergency vehicles.
5. The proposed additional roof height of the new building is not in keeping with any other current dwellings in the area.
6. There are no other 'blocks of flats' anywhere in the local proximity to Covert Close.

(Received 25/06/16)

9 Covert Close

Objection

1. Flats are out of keeping with the area. There are no other flats in the close vicinity of Covert Close.
2. This building will be close to the road edge, higher than surrounding single' family' dwelling houses.
3. More Cars would be parked on Covert Road obstructing clear views along Covert Road, posing a risk to young children who play in the Close and walk to and from school.
4. Lack of car parking space for a possible 16 people living there. Where will visitors park?

(Received 27/06/16)

2 Covert Close

Objection

1. Flats on this site is out of keeping with the area
2. All properties in Covert Close are set back several metres from the road.
3. The additional roof height of the proposed development is not in keeping with the appearance of dwellings in the road and will be visually intrusive.
4. Insufficient parking allocation at the flats will result in yet more cars parked at the end of the close resulting in problems for residents and others when turning out of Covert Close onto Covert Road. This will cause obstruction to service vehicles and emergency vehicles as well as impacting on the dangers to children playing in the close.”

(Received 07/07/16)

6 Covert Close

Objection

1. The proposal is for a size of dwelling and density of occupation that is entirely

- out of keeping with the neighbourhood.
2. The proposal moves the building forward of the existing dwelling, both towards Covert Road and Covert Close.
 3. The height of the building is greater than the existing dwelling and the roof is longer.
 4. The appearance of the facade is quite out of keeping with other dwellings. It both appears to be and is a larger, more overbearing building than the present house. The side giving on to Covert Road is essentially an unsightly blank wall.
 5. Access to the proposed underground car-park is by a ramp at the rear of the building. This and the size of the building will reduce the garden area, again out of keeping with the neighbourhood.
 6. Insufficient parking provision.

(Received 08/07/16)

1B Dell Road

Objection

1. Parking is still an issue in an area which is already problematic, 8 spaces 'underground' parking spaces is not sufficient.
2. Site over developed
3. Application not in keeping with the area, no flats in the local area.
4. Condition of covert road already extremely poor with pot holes reoccurring frequently near the crossroads. Construction traffic would only intensify this problem where there is little space for construction vehicles.

The only improvement on this application from 1B perspective is that the distance of the dwelling from covert road has improved from previous.

(Received 10/07/16)

3 Dell Road

Objection

1. *The entrance to the underground car park would be on Covert road, at its narrowest point and would be dangerous with vehicles manoeuvring in and out.*
2. *Concerned about the impact of deep excavation to create the car park, on our properties.*
3. *Increased pollution / noise/ loss of privacy in quiet area.*
4. *The proposal is out of keeping for this area as there are no flats.*
5. *Roof height affecting light/ privacy is also a concern as 2 of the flats are to be 2nd floor.*
6. *Exasperate parked cars on road with regards to refuse collection.*

(Received 10/07/16)

10 Covert Close

Objection

1. The size is far too bulky and will cut more light out than the existing building
2. The streetscape would be over imposing on the area
3. The height would increase by at least 1m or more.
4. The cars would create more problems (maybe up to 12 in number)
5. The site is smaller than 570sqm
6. The digging of the foundations for the underground garage could lead to undermining of no 10 and cause movement.
7. There are too many units cramming people into very small rooms

(Received 01/07/16)

1 Dell Road

Objection

1. Large proposed residential density for such a small plot of land. The sheer size of the proposed development is inappropriate and is detrimental to the open character of Covert Road.
2. The proposed new building sits beyond the blue dotted line of the existing building, It would create an over imposing visual intrusion and it would create loss of light to 1 Dell Road.
3. Proposed car park entrance is very close to our property and it would introduce noise and disturbance
4. Insufficient car parking provision creating parking and visibility problems.

(Received 02/07/16)

6 Paynes Field Close

Objection

1. Out of keeping with surrounding area - there are no other blocks of flats on Covert Road or the surrounding area.
2. The height of the proposed development is also out of keeping.
3. The increase in parked vehicles cannot be accommodated, and would pose significant risk of injury/accident to pedestrians and other road users. This will block access of emergency vehicles and impede other traffic.

(Received 07/07/16)

61 Covert Road

Objection

1. The proposed buildings will be very close to the edge of Covert Close.
2. It is out of keeping with the area.
3. There is already a problem with traffic visualisation at the junction between Covert Close, Covert Road and Ashby Road. Cars parked around the proposed dwellings will only add to the problem; represents a real risk to safety on these roads, particularly to children, and would cause obstruction to driveways, service vehicles and emergency services.
4. Insufficient parking allocation on the plot for 6 dwellings.
5. The plot is not large enough for 6 dwellings and the necessary parking.”

(Received 07/07/16)

2a West Wing, Homefarm, Ashby Road

Objection

1. Effect of digging and building an underground car park on surrounding plots and houses.
2. Insufficient Parking provision, causing overspill onto road
3. The flats are not in line with the rest of the neighbourhood.
4. Living space is tiny.

(Received 12/07/16)

73 Covert Road

Objection

1. Planned vehicular access is located on an already very congested and narrow junction. This will endanger the safety of the public
2. The access is via a strip of land which is not part of the property to which they have no access rights
3. The building is not in keeping with other types of properties in the location. There are no blocks of flats in covert road.
4. Too many properties planned on a small site without adequate provision for parking.
5. Inadequate provision for waste collection.

(Received 14/07/16)

8 Covert Close

Objection

Objection

1. Noise, disturbance and vehicle emissions resulting from use.
2. Adequacy of Parking /turning
3. Visual intrusion- by introducing a block of flats at the beginning of this road, it

would fundamentally alter the balance and also the character of the neighbourhood.

(Received 14/07/16)

5 Birch Road

Objection

1. Density: The proposed development appears more dense than properties in the surrounding area.
2. The building would also appear very bulky, making it looking out of character relative to the surrounding properties.
3. Additional cars parking around the property.
4. New development should be of a high standard of design that maintains the character of an area; this application does not meet this objective.
5. Assess to new development is off a private road which the proposed building is not entitled to.

63 Covert Road

Objection

- 1.) It would not be in keeping with other properties in Covert Close and immediate surrounding area. The culture of "garden grabbing" is already prevalent in this area.
- 2.) The amended proposal is even worse than the original regarding the increase in traffic and the space available for parking.
- 3.) The applicant does not own the property.

(Received 14/07/16)

Key Considerations:

Principle of Development

The application site is located within a residential area, where in accordance with policy CS4 of the Core Strategy the principle of additional units is considered generally acceptable subject to planning considerations such as impact upon visual and residential amenity, amenity provision, trees and landscaping, and parking and access. These matters are assessed against the relevant policies in the following paragraphs of this report.

Impact on Visual Amenity

Paragraph 60 of the NPPF states that, *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*

In addition, paragraph 64 of the NPPF states that *'permission should be refused for development of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

Core Strategy (2013), policies', CS1, CS4, CS10, CS11 and CS12 highlight the importance of good design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the saved Local Plan (1991) policies' of 10, 13, 18, 21, 111, appendices 3 and 7.

Supplementary Planning Guidance for Northchurch (BCA19) outlines that detached and semi-detached houses and bungalows are acceptable within the immediate area, however, flats and terraces are not appropriate and will not be permitted.

The spatial layout of Covert Close comprises of detached residential dwellings which all have a relatively linear relationship within the street. The immediately neighbouring properties are relatively regimented in regards to build line and height. Due to variation in typography levels the height of these properties are staggered, elevating towards the end of the Close. These properties are situated on spacious plots with generous front and rear gardens, and spacing between properties. Such spatial pattern makes an important contribution to the distinct spacious feel of the area.

Covert Road contains a similar mix of detached and semi-detached properties with the exception of Home Farm which is a L-shaped terraced property. All properties are stepped back from the road and enjoy generous gardens and spacing. The immediately adjacent properties to the west of the application site are detached with generous front build lines. The overall built form and layout gives the area a suburban, village feel and character.

The architectural style, height and size of property within the immediate street scene are varied. In terms of building size and form, there is no overall distance character.

The proposal seeks to erect one detached apartment block to contain 6 flats in the place of a large, detached dwellinghouse. The new apartment building would respect the line of the houses within Covert Close in terms of form and build line and would appear generally similar to the size and height of the existing building (which is to be demolished). In sum, the proposed development would appear as a large detached dwellinghouse with front and rear gable features.

A 9.7 metre separation distance between No.10 Covert Close and the proposed unit would be retained. Furthermore, a marginal 0.8 metre increase from the existing ridge height would result. The proposed unit has also extended the width of the existing property to mirror the side extension at No.1 Covert Close. In addition, to this the depth of the property would be increased by 4.1 metres towards Covert Road and 1.5 metres

by No.10 Covert Close.

In sum, the proposed apartment block would appear as a large detached property and maintain a similar plot positioning and size to the existing dwelling (No.11 Covert Close). Despite objection to the proposed form of development within the 2004 Supplementary Planning Guidance, emphasis should be placed on more recent guidance in Core Strategy policies CS11 and CS12. For this reason, the proposed apartment building would not significantly change existing site circumstance and henceforth would not severely detriment the visual amenity of the surrounding area, complying with saved policies 10, 13, 18, 21, 111 appendices 3 and 7 of the Dacorum Local Plan (1991) and policies CS1, CS4, CS10, CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2012).

Policy Emphasis for New Homes

Within the Core Planning Principles outlined in the NPPF (2013) there is heavy emphasis on the planning system's responsibility to deliver more homes. Paragraph 47 of the NPPF (2013) emphasises this further seeking to boost the supply of housing.

Paragraph 51 of the NPPF summarises this position stating, Local Planning Authorities should normally approve planning applications for change to residential use, provided that there are not strong economic reasons why such development would be inappropriate.

Impact on Residential Amenity

Loss of Outlook and Privacy

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact on neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion and loss of light and privacy. Moreover, saved appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The proposed unit would breach the 45 degree line as drawn from the front habitable windows of No.10 Covert Close and No.53 Covert Road. Nonetheless, as the positioning, depth and height of the existing property has been relatively retained (1.5 metre larger depth and 0.3 metre ridge height increase) it is not considered that the proposed apartment block would add significant further detriment to existing site circumstance.

Furthermore, no side facing windows have been proposed in order prevent a loss of

privacy and overlooking to the front habitable windows and garden of No. 10 Covert Close.

With regard to the relationship with properties No. 1a, 1b Dell Road a 25 metre approximate separation distance, which is beyond the 23 metres rear-to-rear outlined within saved appendix 7 of the Local Plan (1991), would be upheld. In addition, a similar height and plot positioning to the existing dwelling would be maintained. Again, the side elevation would feature a blank façade, to preserve privacy.

An acceptable 259m² of private community amenity space has been proposed around the apartment block which falls in line with the requirements of saved appendix 3 of the Local Plan (1991) which states that for a multiple occupancy residential development an amenity area at least equal to the footprint of the building should be provided. Further to this the proposed development has access to local areas of open space, such as the sport recreational ground located to the North of the site.

As a result the proposed apartment block is considered acceptable in regards to impact upon the residential amenity and privacy of neighbouring residents; complying with the NPPF (2012), saved appendices 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

Impact on Trees and Landscaping

Saved policies 99, 100, 101 of the Dacorum Local Plan (1991) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

The existing vegetation within the site is sparse and does little by way of contributing to the visual amenity of the area, nor do any Tree Preservation Orders reside near the site. Nonetheless, the application site has the potential to provide soft and hard landscaping. The retention of the existing boundary hedge is considered acceptable, maintaining the open verdant character aspect of the area. A condition outlining further information and detailing in regards to landscaping and boundary treatment has been imposed.

The proposed refuse storage to be located behind the retain boundary hedge is considered to be acceptable.

In sum, the proposed would be in accordance with saved policies 99, 100, 101 of the Dacorum Local Plan (1991) and Policy CS12 of the Core Strategy (2013).

Impact on Parking and Access

Parking arrangements have a major impact on the quality and consequence of the development. The Council's Parking Standards within saved policy 58 and appendix 5

of the Local Plan (1991) requires 1.5 – 2.25 off street parking spaces for two and three bed units within Residential Zones 3-4.

The application proposes the construction of 4 x 2 bed and 2 x 3 bed apartments, which would require the maximum provision of 10.5 off street spaces. The proposed basement parking demonstrates sufficient provision for eight domestic cars. This would result in a shortfall of 2.5 off street parking spaces. Nonetheless, there is sufficient provision on Covert Road for on-street car parking and DBC parking policy outlines maximum parking provision only.

Furthermore Hertfordshire County Council was consulted on the proposal and raised no objection subject to the imposition of the conditions.

The basement car parking is considered to be acceptable and would not introduce further hard surfacing and parked cars to the landscape character of the street scene, maintaining a verdant street scape.

Due to Highways raising no objection and available on street parking, the proposed development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal would be considered compliant with policy CS12 of the Core Strategy (2013), saved policy 58 and appendix 5 of the Local Plan (1991).

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The site is located within Charging Zone 1 (Berkhamsted and Surrounding Area) where a charge of £250 per square metre is applicable. An estimated CIL of some £110,856.60 has been calculated on the basis of the submitted plans.

Consultation Response

Several concerns were received as a result of the application. The main concerns are addressed below:

Not in keeping with other properties on Covert Road- There is not distinct architectural form or size to the properties on Covert Road and Close. Furthermore, directly opposite the site, Home Farm, features an L-shaped property forming mews court style cottages.

Too close to edge of Covert Close- The build line of the apartment block would be located closer towards Covert Road than the existing dwelling. Nonetheless, the proposed unit would retain the same distance from the street as the constructed side

extension of No. 1 Covert Close (4/00268/09/FHA).

Insufficient parking spaces- The assessment of available off street parking provision has been outlined and assessed in the Impact on Parking and Access section above. Several concerns have been received in regards to access for emergency vehicles. It is not considered that the shortfall of 2.5 spaces would add significant further detriment to the on-street parking situation. Furthermore, parking provision has been proposed within the properties' basement, removing a majority of spaces from the street scape.

Roof height – A resultant 0.8 (approximate) increase in roof height from the existing dwelling would result. The marginal increase of the proposed apartment block in relation to the existing property is not considered reason enough to recommend refusal of the application, especially when weighing the addition of six new units.

Digging of basement and construction work – Structural damage will be assessed independently at the Building Control stage.

Boundary gate/ hedge retention- Following concerns raised the Parish Council the scheme was amended to remove the proposed boundary gate/fence and portray the retention of the existing boundary hedge. This amendment would help preserve the verdant character aspect of the area.

Size of flats- Concerns have been raised in regards to the size of internal amenity provision of the proposed 6 flats. It is important to note that DBC policy guidance does not outline any minimum standard of internal amenity provision. Nonetheless, the proposed flat sizes complies with The Department for Communities and Local Government's Technical Housing Standards requirements for bedroom size.

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

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

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

Reason: To ensure a satisfactory appearance to the development, in accordance with policy CS12 of the Core Strategy (2013).

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

- **hard surfacing materials;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **a plan indicating the positions, design, materials and type of boundary treatment to be erected; and**
- **trees to be retained and measures for their protection during construction works;**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area, in accordance with policy CS12 of the Core Strategy (2013).

4 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**

- human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance

with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

- 5 The development hereby permitted shall not commence until a Construction Management Plan detailing the following, and how this will be managed for the duration of the construction period has been submitted to and approved in writing by the local planning authority.**

- where materials and equipment to be used during the construction will be stored within the curtilage of the site;**
- the practical means which will be taken to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway; and**
- that the existing access to the site shall be permanently stopped up to vehicular traffic and the highway reinstated prior to occupation;**

Reason: In the interests of pedestrian and highway safety in accordance with policies CS8 and CS12 of the Dacorum Core Strategy (2013) and saved Policy 51 of the Dacorum Borough Local Plan (1991-2011).

Highway Informatives

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-

<https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

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

CC/0011/16 Rev A
CC/012/16

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

Article 35 Statement

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Thames Water Informatives

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site

drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 333