

ITEM 5.04

4/01895/15/MFA - DEMOLITION OF FORMER GARAGE BUILDINGS AND REDEVELOPMENT TO PROVIDE 11 NEW DWELLINGS THROUGH A COMBINATION OF CONVERSION AND NEW BUILD..

LAND AT 9, 11 & 13 HIGH STREET AND SWING GATE LANE, BERKHAMSTED, HP4.

APPLICANT: Beechcroft Developments.

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The principle of development is considered acceptable in accordance with policies CS4 and CS17 of the adopted Core Strategy. The principle of new dwellings within the designated residential area of Berkhamsted is acceptable and supported. There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The access to the development would not compromise highway safety and the site would be enhanced by additional planting and landscaping. The design and form of the development would not adversely impact the character of the area and would enhance the character and setting of the conservation area. Adequate provision is made for amenity space and provision for storage of waste is satisfactorily accommodated. Provision has been made to retain and conserve any Archaeological findings. The proposals therefore accord with the NPPF, policies CS1, CS4, CS8, CS10, CS11, CS12, CS18, CS19, CS23, CS27, CS29, CS31 and CS35 of the adopted Core Strategy and saved policies 58, 111 and 120 of the local plan.

Site Description

The application site is located to the corner of Swing Gate Lane and Berkhamsted High Street and is the gateway site of Berkhamsted Conservation Area. The site comprises a currently vacant piece of land which has formerly been used as a car sales business together with buildings numbered 9, 11, and 13 High Street. These three buildings are currently utilised as Berkhamsted Tool Hire shop and offices. The southern boundary of the site is shared with the rear gardens of residential properties along Curtis Road and to the east of the site, across the road is Swing Gate Lane School. The western boundary of the site is shared with number 15 High Street and the existing wall of the work house runs along side the boundary. The site is located within an area of archaeological significance

Proposal

The application seeks planning permission for the conversion of numbers 9, 11, and 13 High Street to form one 2 and one 3 bedroom units together with erection of a further 9 flats in the form of one 2 and half storey block which wraps around the corner plot. The buildings associated with the car business are to be removed from the site. 15 car parking spaces are proposed which are to be accessed from the existing access on Swing Gate Lane.

The proposal is for 100% affordable housing provision of which 8 of the units are off site provision for the residential development at the former police and library site on the High Street, Berkhamsted (Planning ref: 4/03286/14/MFA).

This is a resubmission of a previous scheme recommended for refusal by the Development Control Committee in March 2015. This scheme has lost one unit and has significantly lowered the overall height of the buildings.

Referral to Committee

The application is referred to the Development Control Committee as it is resubmission of the previously refused application.

Planning History

An application for 12 units was resolved to refuse planning permission at the site in March 2015, as it was considered by members that the scheme was of a scale and height not in keeping with the surrounding built form.

In terms of history of uses on the site, the car sales site has been used for its current purpose for many years. The car valeting site has a long established history of industrial uses and vehicle repairs.

In 2011, planning application 4/02344/11/RET sought retrospective planning permission to use the Swing Gate Lane site as a car valeting business for a temporary period of three years. This application was withdrawn.

A fresh planning application (4/00991/12 RET) for the use of the Swing Gate Lane site for car valeting for three years was submitted in June 2012. This application was refused by the Council in August 2012 for two reasons. Following the refusal of application 4/00991/12/RET, the Council has issued an enforcement notice which was subsequently appeals and dismissed.

It is also relevant to note that in 2002, planning application 4/02000/02 FUL proposed to the demolition of the existing buildings at 1-13A High Street and the construction of 16 flats with parking. The application site covered all the land subject of this concept statement. A three storey 'L' shaped building fronting High Street and Swing Gate Lane was proposed, with 19 parking spaces accessed from Swing Gate Lane.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS3 - Managing Selected Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads

CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS19 - Affordable Housing
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58, 120.
Appendices 3, 5 and 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)

Summary of Representations

Berkhamsted Town Council

Awaiting comments - the town council will consider this application on 15th June 2015.
Comments will be submitted in the addendum sheet.

Conservation and Design

This site is an important gateway into Berkhamsted and occupies a prominent corner in Berkhamsted Conservation Area. It is also highly prominent from many public views and any development would impact the setting of The Bull PH a Grade II Listed Building.

I have no objection in principle to the redevelopment of this site since the garage site is identified in the Berkhamsted Conservation Area Appraisal as a 'Negative site'; hence its enhancement is positively encouraged via redevelopment or sympathetic alteration of the appearance of the existing buildings.

The proposal has been subject to extensive negotiations with officers including myself. Whilst I have maintained that redevelopment is acceptable in principle, I expressed concern on the previous application for this site (4/03271/14/MFA) regarding the difference in scale between the proposed two-and-a-half storey corner building and that of neighbouring existing cottages which are a small scale two storey. The current application has reduced the height of the proposed development by a further 1.3m on

the corner building which does make a better relationship with neighbouring buildings and the streetscene in general.

However, I strongly object to the crown/flat roofs of the development which are unacceptable architectural forms in the conservation area. I have made this point repeatedly during negotiations with the developer and architect and have maintained throughout that traditional pitched roofs are a requirement for any scheme. In addition I object to the roof light on the High Street elevation as this is a large roof slope and needs to be an uncluttered.

It would be appreciated if the architect would show rainwater pipes, extractors, flues and vents so an assessment can be made of the impact of these on the elevations.

Building 1 adjacent to the cottages proposed for conversion requires a plinth below dpc (to be painted black).

The corner building would benefit from slightly deeper sash windows on the ground floor as currently the windows are the same height as the neighbouring casements.

The elevation onto Swing Gate Lane would benefit from some form of boundary treatment screening the parking bays. Also the parking court would benefit from soft landscaping and a semi mature tree if possible.

If the above can be achieved I would suggest the following conditions:

- All materials; Brick sample panel to be constructed on site; Window details to be submitted for approval, NB sash to be fully opening traditional sash windows, wood unless agreed in writing with the LPA; Metal rainwater goods; Details of all extractors, flues and vents; Hard and soft landscaping; Boundary treatments; Lighting; Details of bin and cycle store ; Details of all chimneys

Hertfordshire Highways

Awaiting comments on current application.

Previous comments to 12 unit scheme were:

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

SHC 18: Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.0m x 2.0m shall be provided to each side of the vehicle accesses where they meet the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

SHC 25: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The

scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

SHC 42: No works shall commence on site until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). The Construction Logistics Plan should outline the construction methodology, the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.

Reason: To manage the movement of vehicles during construction in the interests of highway safety. Description of the Proposal The proposal is for the construction of 13 residential units. The proposed site is within the Dacorum Borough Council (DBC).

The site is located at the junction of Swing Gate Lane and High Street / London Road (A4251). The site is currently occupied by a vehicle workshop at the rear, open yard / car parking, along the High Street and Swing Gate Lane frontage, and retail units fronting High Street.

The proposed residential units consist of: • 8 x one-bedroom apartments (new building); • 3 x two-bedroom apartments (new building); and • 2 x two-bedroom dwelling houses (conversion of existing buildings).

This application is linked with the separate application to redevelop the site at the junction of High Street and Kings Road to provide 23 retirement units. The Swing Gate Lane site will provide the affordable housing requirements generated by the redevelopment of the High Street / Kings Road site.

High Street / London Road (A4251) is a Principal Road – Main Distributor and is subject to a 20mph speed limit. Swing Gate Lane is a local access road and is subject to a 30mph speed limit. There are two short-stay parking spaces provided on the western side of Swing Gate Lane outside the proposed site. Swing Gate Lane Infant School and Nursery is located on the eastern side of Swing Gate Lane opposite the proposed site. There is a signalised pedestrian crossing located outside the High Street frontage of the site, approximately 25m to the west of the Swing Gate Lane junction. Policy The TA does not refer to the policy and guidance in the HCC Local Transport Plan, or in the Tring, Northchurch and Berkhamsted Urban Transport Plan (UTP). The proposed development has been assessed against the UTP and there is one proposed scheme that is considered relevant to the proposed development: Scheme 05 – Traffic Calming and Extension of 20mph zone on the High Street, Berkhamsted. Scheme 05 involves extending the existing 20mph zone on High Street / London Road to the east of the Swing Gate Lane junction. The proposed 20mph zone will improve the safety and efficiency of High Street / London Road and the Swing Gate Lane / High Street / London Road junction. Therefore a contribution towards Scheme 05 will be required. Analysis A Transport Statement (TS) prepared by Dermot McCaffery was submitted with the application. Based on the proposed 13 units, this level of assessment is consistent with the Roads in Hertfordshire Design Guide 3rd Edition (RiH). Trip Generation and Distribution Existing Trip Generation The TRICS database does not include comparable sites for a small-scale vehicle repair or tool hire business. Both of the businesses are highly dependent on vehicle trips throughout the day by customers as well as the delivery of goods. However due to the uncertainty around calculating the exact number of vehicle trips generated, the TS assumes a

worst-case scenario of the existing site generating no vehicle trips. This is considered to be an appropriate approach. Proposed Trip Generation The TRICS database has been interrogated for residential developments with a small number of units. The sites selected range in size from 14 to 82 units. Based the trip generation rates, the proposed development would generate approximately 6 two-way trips during the AM Peak and PM Peak, and 57 two-way trips over the course of the day.

The assessment includes two sites from Greater London that are not considered to be comparable to the subject site – the site in Newham is located adjacent to West Ham Station providing access to four Underground lines, the DLR and National Rail services. However, due to the number of sites used in the analysis, these sites are unlikely to have significantly reduced the trip generation rates for the proposed development. As a result, the proposed trip generation analysis is considered to be appropriate and the proposed development is unlikely to have any significant impact on the local road network. Impact on Highway Network Swing Gate Lane / High Street / London Road Junction The Swing Gate Lane and High Street / London Road junction is a mini-roundabout. The junction operates adequately during peak traffic periods and there are no planned improvements within the UTP. The cumulative impact of the traffic generated the proposed development will be minimal and is unlikely to have an adverse impact on the safety or operation of the junction.

The existing land uses are likely to generate vehicle trips by commercial vehicles including light goods vehicles (LGVs). The proposed redevelopment of the site for residential purposes will significantly reduce the frequency of visits by commercial vehicles and LGVs and is likely to reduce the risk of conflict with vulnerable road users at the vehicle entrance on Swing Gate Lane, and at the Swing Gate Lane and High Street / London Road junction. Road Safety The accident data over the last 5 years for the local highway network adjacent to the site does not indicate any significant road safety issues. The proposed 20mph zone will reduce collisions and injuries on the local highway network. Highway Layout Vehicle Access The existing vehicular access to the site is from Swing Gate Lane. The proposed development will utilise the same vehicle access on Swing Gate Lane.

As Swing Gate Lane is adopted, the applicant may need to enter into a Section 278 legal agreement to work on the highway in order to make changes to the existing means of access.

Visibility The proposed building on the northern side of the access is set back, as is the parking space on the southern side of the access. A minimum visibility splay of 2.0m X 2.0m is achievable and should be indicated on the site plans. Any structure or planting within the splay should be less than 0.6m high to ensure that any pedestrians passing in front of the property are visible. This is particularly important given the proximity to Swing Gate School. Servicing and Delivery The proposed refuse storage is located within 25m of Swing Gate Lane. As such, a refuse collection vehicle is not required to enter the site, and collection can be undertaken at the kerb. Refuse collection is likely to take place outside of the peak traffic periods and school drop-off / pick-up times and there is unlikely to be any increased conflicts between the refuse collection vehicles and school-related traffic (including pedestrians). As a result, the servicing arrangements are considered to be appropriate.

The residential nature of Swing Gate Lane means that other deliveries are likely to occur, but at a reduced level compared to the existing use of the site. The proposed car parking area provides the opportunity for delivery vehicles to park within the site

while making deliveries, or use the short stay parking spaces on the Swing Gate Lane. Therefore the provision for delivery vehicles is considered to be acceptable. Parking The existing site is currently used as a car repair / sales yard and there are regularly cars parked throughout the site. It is noted that the footway of High Street in front of the tool hire business is also used for vehicle parking.

The proposed development will provide 13 parking spaces (1 per proposed residential unit). The parking will be located to the rear of the site and will be accessed via Swing Gate Lane. Parking Provision The site is within Accessibility Zone 2 and the maximum parking requirements are 1 space per one-bedroom unit and 1.5 spaces per two-bedroom unit.

The appropriateness of the proposed provision of parking will be determined by the DBC and conditioned if necessary. However the proposed residential use of the site is likely to generate a significantly lower demand for on-site car parking than the existing uses of the site. The proposed ratio of one car parking space per residential unit is likely to limit any overflow parking onto the adjacent highway. Parking Layout The proposed layout of the car park spaces is considered to be appropriate and there is adequate manoeuvring space for vehicles to exit the site in forward gear. Cycle Parking A cycle storage area is provided on the western boundary of the site, to the north of the garage conversion, adjacent to the car parking. This location is readily accessible to all residential units within the development.

The minimum cycle parking requirement is 1 space per unit and the cycle storage should provide adequate storage space for a minimum of 13 cycles. Accessibility Pedestrian Access Pedestrian access to some of the flats will be directly from High Street, while the remaining flats will be accessible from Swing Gate Lane. There is no separate pedestrian facilities at the access from Swing Gate Lane. However the volume of vehicles entering and exiting the site is unlikely to cause any significant safety issues. Overall, the accessibility of the development for pedestrians is acceptable.

Cycle Access Cycling along the High Street is difficult due to the traffic calming measures in place. As a result, Scheme 05 in the Tring, Northchurch and Berkhamsted UTP proposes to improve the carriageway to make it more cycle friendly. The scheme also proposes to extend the 20mph limit to Kings Road adjacent to the development site. This will also assist safe access to the development for all road users and a contribution towards the Scheme is required.

Public Transport Access The site is located close to Berkhamsted town centre with good access to facilities and public transport. Bus stops in both directions are located on London Road within 200m and the Berkhamsted train station is within 15 minutes walking time of the site. Overall, the site is considered to be accessible to sustainable modes of transport. Travel Plan Based on the proposed level of development (taking into account the proposed retirement units at the related site), a travel plan is not required. Construction The proposed development involves the demolition of some of the existing buildings of the site and the conversion of the buildings fronting High Street. The demolition and construction of the proposed development means there are potential safety concerns due to interactions between: • Construction vehicles and pedestrians on High Street due or vehicles parked on the footway or at the signalised pedestrian crossing; and • Construction vehicles and pedestrians / vehicles accessing the Swing Gate Lane School. A Construction Logistics Plan (CLP) is required to ensure that the safety and operation of the adjacent highway network is not affected during the

construction and demolition phases. The CLP will be required as a condition. Planning Obligations / Community Infrastructure Levy (CIL) HCC's Planning Obligation Guidance (2008) implements a two-strand approach to planning obligations in order to address the immediate impacts of the new development (first strand), and the cumulative impacts of all development on non-car networks (second strand). The contribution required below will be secured via a s106 agreement.

First Strand The development would not have significant impacts on the local highway network that require mitigation.

Second Strand The second strand contributions for Residential development set out in the HCC Planning Obligations Guidance is based on a standard charge per dwelling taking into account the number of bedrooms and the accessibility of the site. The site is located within the Town Centre Zone 2. Therefore the standard charge per dwelling is £375 for a one-bedroom unit and £500 for a two-bedroom unit. This equates to a total standard charge of £5,500 for the proposed development.

The contribution is payable on first occupation of the site. The contribution is to be index linked (SPON) from the date of the s106 agreement to the date of payment. The contribution is to be set aside towards implementing sustainable transport measures. Summary Hertfordshire County Council has no objection to the principle of the proposed development, subject to the conditions above.

HCC Planning Obligations Officer

Awaiting comments

Trees and Woodlands

Awaiting comments. Comments to previous scheme were: No significant vegetation to be affected at all. There is scope, although limited, to replant so some detail of landscaping would be good to see.

Archaeology Comments

The proposed development site occupies a prominent position at the eastern edge of the Medieval core of Berkhamsted, and lies within Area of Archaeological Significance number 21, which includes a number of important prehistoric, Roman and Medieval sites. Evidence of early post-medieval occupation and industrial activity has been recorded from the rear of 25 High Street (HER15716) and 31-33 High Street (HER11966).

In light of the above I would expect below ground heritage assets with archaeological interest, relating to later medieval to post-medieval occupation, to be present within the proposed development site. It is likely that some truncation of archaeological features has been caused by later use of the site. However, deeper features, particularly wells, cess or rubbish pits, are likely to survive, and provide a valuable insight into the development of Berkhamsted through time.

In addition, several extant structures believed to date between the late 16th and early 20th century will be subject to conversion as part of the development. This will clearly impact the archaeological interest of these buildings.

I, therefore, recommend that the following provisions be made, should you be minded to grant consent:

1 the archaeological monitoring of all interventions affecting the fabric of the historic buildings (16th to early 20th century)

2 the archaeological monitoring of all groundworks, including removal of existing slab, any ground reduction, new foundation trenches, landscaping and service runs

3 the archaeological investigation and recording of any remains encountered during this process,

4 the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and if appropriate, a publication of these results.

5 such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within National Planning Policy Framework (policies: 135, 141 etc.), and the guidance contained in the Historic Environment Planning Practice Guide.

In this case two appropriately worded conditions on any planning consent relating to these reserved matters would be sufficient to provide for the level of investigation that this proposal warrants.

Hertfordshire Biological Records Centre

We have no ecological records for this application site or adjacent areas, although there are a few scattered records of bats within Berkhamsted. The proposals will primarily affect existing buildings to the rear of the High Street buildings, which will remain. These are a large gable roofed shed, a flat roofed shed and the single storey extensions (one flat roofed) to the older buildings of 9-13 High Street. Otherwise the existing buildings and their roofs will remain unaffected by the proposed demolition.

The location generally has some habitat recourse for bats in the mature trees and gardens of adjacent properties between Curtis Way and the High Street. However, I do not consider the nature of the buildings or extensions to be demolished provide a sufficient likelihood of supporting bats for the LPA to justify requiring any survey prior to determination. From the photos of these buildings in the Heritage Statement, their design, construction and materials do not suggest good opportunities for bats being present.

However, bats and their roosts remain protected at all times and if the application is approved, I advise that an Informative is attached to any permission to the effect that :

- Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0845 6014523, or the Herts & Middlesex Bat Group website: www.hmbg.org.uk

I have no reason to believe there will be any other ecological constraints associated with the proposals.

Contaminated Land Officer

Awaiting comments

Strategic Housing

Strategic Housing comments are as follows in response to the proposal below:

The site proposes 100% of the 11 units for affordable housing. The site will deliver the off-site affordable housing contribution for the planning application 4/03286/14/MFA.

Thames Water

Water Comments

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

Supplementary Comments

Having reviewed the drainage strategy documents provided, Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application provided that details of surface water site drainage works as laid out in the Flood Risk Assessment and Surface Water Drainage Strategy are adhered to. Thames Water would require further consultation if changes to the drainage strategy occur.

Thames Water

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

Thames Water would advise that with regard to sewerage infrastructure capacity, we

would not have any objection to the above planning application.

Water Comments

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

Secure by Design

I am writing in regarding planning application 4/01895/15/MFA at land at 9, 11 & 13 High Street and Swing Gate Lane, Berkhamsted, HP4 for the demolition of former garage buildings and redevelopment to provide 11 new dwellings through a combination of conversion and new build.

Secured by Design part 2 physical security: To alleviate any concerns regarding security for the proposed development, I would look for the development to be built the physical security of Secured by Design part 2, which is the police approved minimum security standard. This would involve:

- All exterior doors to have been tested to BS PAS 24:2012 or STS 202 BR2
- All individual flat front entrance doors to BS Pas 24:2012 (internal specification).

Ground level (easily accessible) exterior windows to BS Pas 24:2012. All glazing in the exterior doors, and ground floor (easily accessible) windows next to doors to include laminated glass as one of the panes of glass.

Due to the number of flats, there should also be audible access control at the pedestrian entrances to the block. Such access control must NOT have a Tradesman's Button fitted as this assists offenders to gain entry during the day to break into the flats.

These standards are entry level security and meet the Secured by Design part 2 physical security standard. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75%. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.

Lighting in rear courtyard parking area: Will there be appropriate lighting off a Landlords Meter for the parking courtyard area?

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

17 – re high quality design

58 – re function for the lifetime of the development as well as designing against crime and fear of crime.

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

& Dacorum Core Strategy policies:

CS12 – re safe access, layout and security

CS13 – re pedestrian friendly, shared spaces in appropriate places

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None to date on resubmission - consultation runs until 24th June 2015

Considerations

Policy and Principle

The proposal for a residential development which comprises the refurbishment of numbers 11, 12 and 13 High Street is welcomed and supported in principle. Policy CS17 of the adopted Core Strategy seeks for development of new housing and this application accords with the draft concept plan for the site. The site has been in use as a car sales/repairs/wash for some time which has been considered a poor neighbour for the residential properties surrounding it. The proposal for a residential scheme is considered to a more neighbourly use and provides for 12 new affordable units which is welcomed.

The proposal therefore conforms with the strategic policies relevant to the site; more detailed elements of the scheme / brief requirements shall be assessed under sections later in this report. The proposals are considered to be in accordance with NP1 and CS1 of the Adopted Core Strategy as well as the NPPF and NPPG.

Impact on Street Scene and Conservation Area

Policy CS27 of the adopted Core Strategy states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas. Negative features and problems identified in conservation area appraisals will be ameliorated or removed. It is considered that the scheme positively enhances and conserves the appearance of the character of the conservation area and successfully removes a negative poor quality site which is the gateway of the conservation area. The existing buildings on the site (with exception to numbers 9, 11 and 13) are to be removed from the site. These buildings have been identified as making a negative contribution to the character of the conservation area and mark a poor quality environment at the entrance of the town.

The redevelopment of the site is welcomed and supported and is considered to enhance the conservation area providing a good quality development providing the gateway into Berkhamsted. Numbers 9, 11 and 13 High Street are considered to be locally listed buildings and are proposed to be retained and converted as part of this application. No objection is raised to the works proposed to enable these buildings to

convert to residential use.

This scheme is a resubmission following a resolution to refuse the former scheme comprises 12 units. The development control committee expressed concern that the previous scheme represented a built form which was too high in the context of the adjacent buildings at the entrance to Berkhamsted Conservation Area. As a result, the developers have submitted a revised scheme in order to overcome the concerns of the Development Control Committee and the Town Council.

The revised scheme makes the following alterations to that refused: overall lowering of the height of the buildings, the corner building is lowered by 1.3m and the new building connecting to the locally listed buildings on the High Street has been lowered by 0.49m. The building nearest the residential properties along Swing Gate Lane has been lowered by 0.86m. As a result the corner building has a ridge height the same as the cottages immediately opposite. The new building to connect to the locally listed building (9,11 and 13) has been lowered which now provides a more sympathetic link between old and new. The new cottage is now the same height as 15 High Street.

As a result of the changes to the height and scale of the development, it is considered that the scheme represents a good quality development which takes influence from the adjacent buildings and would not appear out of context or scale with this part of the conservation area. The conservation officer has been consulted on the scheme and is now satisfied that the scheme results in a better relationship with the neighbouring properties and the streetscene in general. The conservation officer however has expressed concern to the introduction of crown/flat roofs to the rear. Whilst, the intention of the conservation officer is to avoid flat/crown roofs in the conservation area and this has been put forward to the applicants, it is considered difficult to achieve traditional pitched roofs and maintain the lower heights which the development control committee required together. Also, it is unlikely that the flat roof would be visible from any important aspect as they are hidden behind the roof pitches. On this point, therefore it is not considered that refusal on the principle of avoiding crown roofs could be sustained as the scheme is considered to represent a well designed development which enhances the conservation area.

The conservation officer has requested a number of conditions on acceptability of the scheme including detailed submission of materials and detailing.

Overall, from a design perspective, on balance, it is considered that the redevelopment of the site which will positively enhance the character of the area is acceptable for approval. A condition will be imposed requiring fully details of materials to ensure that the development is constructed to a high standard in accordance with policies CS12 and CS27 of the adopted Core Strategy.

Affordable Housing Provision

The scheme proposes 11 new dwellings which are to be 100% affordable homes. This is made of up the off site provision of 8 units displaced from the Former Police Station and Library Site at High Street/Kings Road which is subject of a separate planning application together with 3 additional affordable housing units. Altogether as there are 23 residential units proposed at the former police station site together with 11 additional units at Swing Gate Lane site, this amounts to 34 new dwellings of which 11 are to be affordable. This equates to 32% affordable units which is slightly below the

recommended 35% affordable housing requirement set out in policy CS19 of the adopted Core Strategy however the small under-provision is considered acceptable on balance as the removal of the 2 units from the scheme ('the Coach House', which was causing harm to neighbouring amenities and a second unit to allow a lower development) should be taken into account. Also it is noted that two of the dwellings are converted from the retail units along the High Street and if these were a separate conversion they would not be required to be affordable homes.

The plans have been amended and now removes the additional 'Coach House' building which previously was abutting the boundary with 2 Curtis Way and 15 High Street. Concern was raised that this element resulted in a harmful impact to the neighbouring properties. The scheme is now subject of a further 14 days consultation period.

Impact on Neighbours

The application site abuts 2 and 4 Curtis Way and is adjacent to number 15 High Street.

2 Curtis Way is orientated at an angle to the site and has a tri-angular shaped garden which its boundary runs along the length of the rear of the application site. It is considered that since the removal of the Coach House and lowering of the heights of the buildings, the development results in improved amenity for number 2 Curtis Way, which has been subject to noise and nuisance issues as a result of the former use. The existing buildings nearest number 2 Curtis Way are to be demolished which will result in a more open aspect from the property. The flank elevation of the development will extend out 4m beyond the corner of number 2 however due to the orientation of the site, and the separation distance of over 13m, it is not considered to appear unduly overbearing. A window on the flank elevation has been removed from this resubmission in accordance with the wishes of number 2 Curtis Way. All other first floor windows of the development are located in excess of 23m from the rear windows of number 2 Curtis Way and as such, no objection is therefore raised in terms of adequate privacy.

In terms of 4 Curtis Way, the proposals are not considered to result in any significant harm to this property in terms of privacy, loss of light or overbearing impact.

Number 15 High Street is located next to 13 High Street which is to be converted to a residential unit. The existing boundary wall is to be retained. This wall is significantly higher when viewed from the rear garden of number 15 due to the difference in levels. As a result of the demolition of the work house to the rear there will be an improvement to the aspect from the upper floor windows of number 15 as they currently look down upon an iron roof. Concerns were raised in relation to the impact of the Coach House building to number 15 and this element has subsequently been removed from the application. No other significant harm is considered to result to number 15 as a result of the development proposals.

Impact on Highway Safety and parking provision

The application has been supported by a Transport Statement and Hertfordshire Highways have raised no objection to the proposals subject to conditions. Hertfordshire

Highways are satisfied that the car movement associated with the development would not result in adverse impact on the existing road network and the cumulative impact of the traffic generated the proposed development will be minimal and is unlikely to have an adverse impact on the safety or operation of the junction.

The existing uses contained within the site amount to greater numbers of heavy traffic movements than proposed and as such no objection is raised. It is considered that the access arrangements are acceptable subject to visibility splays being maintained which will be secured by condition. Also, the HCC find it reasonable and necessary to acquire a sustainable transport contribution in accordance with the CIL regulations to offset the impact of the development.

It is proposed to have 15 spaces within the site which provides one space for unit and four additional visitor spaces. Concern had been raised on the earlier scheme that insufficient parking provision has been provided however having regard for the nature of the dwellings together with the location of the site close to the town centre and within easy walking distance from shops, schools and public amenities, it is considered that the parking provision is acceptable and in accordance with the maximum standard set out in appendix 5 of the local plan.

Provision is made for cycle storage within the scheme which is supported and accords with appendix 5 of the local plan.

Concern has been raised by the neighbouring school regarding the construction of the site and it is noted that the applicants have been liaising directly with the school, however it is also considered reasonable and necessary (having regard to the recommendations of the Highway Authority) to impose a condition requiring a construction management plan in accordance with policy CS8 of the adopted Core Strategy.

Sustainability

A sustainability Statement has been prepared which sets out the sustainability objectives of the scheme in line with adopted policy CS29 of the Core Strategy. The objectives of this policy are met and no objection is raised.

Loss of Employment Land and retail

The three shops (9, 11 and 13) are located outside of the protected primary retail frontage and there is no policy presumption in favour of their retention. No objection is therefore raised to the conversion of the three units to two residential units. Similarly, the employment use of the site is not restricted and no objection is raised for the redevelopment for residential accommodation, indeed it is considered that the redevelopment of the site will result in an overall more neighbourly use for the adjoining residents.

Quality of accommodation

All of the residential units are arranged in a convenient layout and provide good quality accommodation for affordable housing. The site had been designed to allow for the larger houses to contain their own private amenity space. The amended plans provide

for private amenity space located to the rear of the each of the dwellings and communal space for the flatted development. It is considered that sufficient private amenity space has been provided for the small residential homes in accordance with appendix 3 of the local plan. Nevertheless in order to protect this amenity space provision it is recommended that permitted development rights for extensions (Class A) and outbuildings (Class E) are removed for the three houses in the scheme.

Contamination

No comments from the contamination land officer have been received. However, due to the existing use of the site, it is considered that it is reasonable to require a further contamination assessment and remediation works if necessary. The standard contamination conditions will be therefore imposed.

Also the Environment Agency have requested a condition to ensure protection of the water environment, including groundwater as the site is located on a Principal Aquifer. This condition is in line with policy CS31: Water Management of the Core Strategy, and the National Planning Policy Framework (NPPF).

Archaeology

The site is located within an area of archaeological significance and occupies a prominent position at the eastern edge of the medieval core of Berkhamsted. In light of the above, it is believed that below ground heritage assets with archaeological interest, relating to later medieval to post-medieval occupation, to be present within the proposed development site. It is likely that some truncation of archaeological features has been caused by later use of the site. However, deeper features, particularly wells, cess or rubbish pits, are likely to survive, and provide a valuable insight into the development of Berkhamsted through time. Therefore, it is considered both reasonable and necessary that a condition is imposed requiring the investigation and preservation if required of any archaeological findings in accordance with policy CS27 of the adopted Core Strategy.

Impact on Trees and Landscaping

There are no trees or landscaping on the site of any importance. The scheme offers some opportunity for planting which is encouraged. A condition requiring specific details of hard and soft landscaping will be imposed.

Density of Development

The scheme proposes the development of 9 new residential units together with the conversion of existing buildings for two additional units. It is not considered that the scheme represents overdevelopment of the site and results in a density in accordance with the draft Concept Statement for the site (refer to Strategic Planning comments above).

Refuse

The plans show provision for a communal bin storage facility contained adjacent to the car parking provision. This is located within 25m from the Highway and as such it is considered to be acceptable in terms of capacity, siting and design.

S106 Heads of Terms

Transfer of site to the Council to bring forward affordable housing provision in association with the requirements of redevelopment site at Berkhamsted Police Station.

All units to be affordable units

Awaiting final financial contributions sought from the HCC.

RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager- Development Management & Planning with a view to approval subject to the expiry of the neighbour notification period and completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

Suggested conditions

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

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

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

- **sample panels of brickwork constructed on site for approval (to include details of mortar colour and jointing);**
- **Details of the shop fronts and entrances onto High Street, including details of stall risers, pilasters, fascia's and cornices;**
- **Detailed scaled drawing of joinery;**
- **Details of windows heads and cills;**
- **Metal rainwater goods;**
- **Details of all chimneys;**
- **Details of any balconies;**
- **Details of rooflights;**

- **Details of fanlight and details above entrance doors;**
- **Details of the blind window on the first floor of the flank elevation abutting the access.**

Reason: In the interests of the visual amenities of the Conservation Area in accordance with policy CS12 and CS27 of the adopted Core Strategy.

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

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **External lighting.**

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 and CS27 of the adopted Core Strategy.

4 Prior to the commencement of any works a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority.

The plan shall include details of:

- **on site parking for construction workers for the duration of the construction period;**
- **wheel cleaning facilities associated with the proposal;**
- **A scheme for construction methodology including the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.**

The scheme shall be implemented in accordance with the agreed Construction Management Plan.

Reason: In the interests of maintaining highway efficiency and safety and

pedestrian safety in accordance with policy CS8 of the adopted Core Strategy and 'saved' policy 61 of the Local Plan.

- 5 **Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.0m x 2.0m shall be provided to each side of the vehicle accesses where they meet the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with policy CS8 of the adopted Core Strategy and policy 58 of the local plan.

- 6 **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,**
 - archaeological 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 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

- 7 **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**

1. **The programme and methodology of site investigation and recording**
2. **The programme for post investigation assessment**
3. **Provision to be made for analysis of the site investigation and recording**
4. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
5. **Provision to be made for archive deposition of the analysis and records of the site investigation**
6. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with policy CS27 of the adopted Core Strategy

- 8 **i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 7.**

ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (7) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with policy CS27 of the adopted Core Strategy

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out to 9, 11 and 13 High Street, Berkhamsted**

Schedule 2, Part 1, Class A and E.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with policy CS12 of the adopted Core Strategy.

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

2724.P.318 Rev D
2724.P.319 Rev D
2724.P.315 Rev M
2724.P.316 Rev F
2724.P.310 Rev C
2724.P.311 Rev G
2724.P.312 Rev G
2724.P.313 Rev E
2724.P.314 Rev F

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

INFORMATIVES AND NOTES

Notes 1 - Article 31 Statement

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

Note 2: Environment Agency

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourages infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or

not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- o excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- o treated materials can be transferred between sites as part of a hub and cluster project
- o some naturally occurring clean material can be transferred directly between sites.

You should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, you should contact us for advice at an early stage to avoid any delays. We recommend you should

- o Position statement on the Definition of Waste: Development Industry Code of Practice

- o Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination.

- o Refer to our 'Guiding Principles for land contamination' for the type of information that we require in order to assess risks to controlled waters from the site.

Note 3 - Ecology

Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0845 6014523, or the Herts & Middlesex Bat Group website: www.hmbg.org.uk