

ITEM 5.10

4/03601/14/FUL - DEVELOPMENT OF 2 NEW DETACHED DWELLINGS ON LAND ADJOINING OLD FISHERY HOUSE WITH ACCESS ROAD AND SINGLE GARAGE ATTACHED TO EACH DWELLING.

OLD FISHERY HOUSE, OLD FISHERY LANE, HEMEL HEMPSTEAD, HP1 2BN.

APPLICANT: The Estate of the Late D Ronald & Frances Ronald Will Trust.

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

The site is situated within the urban area of Hemel Hempstead, in Character area HCA 7: Boxmoor wherein residential development would be acceptable in principle in accordance with Policy CS4 of the Core Strategy and saved Policy 10 of the Local Plan. The development principles for HCA 7 identify that a range of dwellings styles are acceptable.

Old Fishery House is a relatively large detached house that has evolved in phases since the late C18th or early C19th and occupies a secluded position on the east side of Old Fishery Lane. The house sits close to the road with an extensive garden running down to the river and canal beyond. Several outbuildings cluster the frontage adjacent to the Lane. The property is considered worthy of local listing but is currently an 'undesigned heritage asset'. National and Local planning policy seeks to protect the setting of heritage assets and consideration must therefore be given to the impact of the proposed new dwellings on the setting of this important historic building.

The proposal would impact on the setting of the existing building. However, it is considered that the level of harm caused to its setting would not be significant enough to warrant a refusal. Although the setting of a heritage asset would be harmed, the merits of this scheme are balanced in favour of its approval for the following reasons;

- The new properties are set some distance within the plot allowing the main house and its outbuildings to remain the dominant building across the site. There would therefore remain a hierarchy in the buildings across the site, the new dwellings appearing as subservient, set back structures in comparison to the prominent historic building .
- The height of the proposed dwellings has been lowered, again to respect the hierarchy across the site,
- Limited visibility - the new dwellings would only be visible from immediately in front of the access drive, from all other public vantage points they would largely be screened from view. On the other hand, Old Fishery House and its outbuildings sit very close to the road and as such are imposing buildings in the street scene (most of the properties in this section sit a little back from the road, especially on the eastern side of the Lane). The proposal would not change the overall street scene in a significant manner.
- Old Fishery House is set in extensive grounds, such that even with the new dwellings and their respective gardens, a large garden remains to serve Old Fishery House and this extends right up to the canal to the north. It is concluded therefore that the remaining garden would adequately preserve the setting of the building.
- The new dwellings are situated to the west of the site, within the existing built up area, and in close proximity to surrounding properties; Heron House and the properties

of Moorland Road. The east of the site, towards the canal would remain open and undeveloped.

With regard to the design of the dwellings, the site is situated in character area HCA7 wherein a range of house styles are acceptable. On balance the design proposed is considered acceptable in this secluded location. There are other examples of recent dwellings of a range of designs in the immediate vicinity. Despite appearing as tandem development, the layout is in this instance considered acceptable. The site is sufficient in size to accommodate the development proposed and given it would only serve 2 dwellings the access would not cause significant harm in terms of noise or disturbance.

There would be no significant harm to the residential amenities of adjacent properties. The separation distances comply with the minimum 23m required, and the dwellings have been designed and orientated in such a way as not to give rise to significant privacy or overlooking issues.

The application site straddles the River Bulbourne and extends right up to the Grand Union Canal. Parts of the application site are situated within Flood Zones 2a and 2a, whilst the majority is classified as Zone 1. Importantly, the area to be developed is situated in Zone 1 and as such the Environment Agency are now satisfied (subject to conditions) that sufficient information has been advanced to ensure future residents are not at risk of flooding.

Site Description

The application site is located to the east side of Old Fishery Lane and comprises the large rear gardens of Old Fishery House. The River Bulbourne cuts through the site along its east-west axis and curves up to the north-eastern corner. The Grand Union Canal lines the southern boundary. The site is very well treed with numerous, significant, mature trees and the southern section is entirely wooded.

Old Fishery House, is a large, detached, two storey, white painted building which, along with its smaller outbuilding to the north, dominates this section of Old Fishery Lane.

Proposal

The application seeks Full Planning Permission for the construction of 2 detached dwellings to the east of Old Fishery House. The dwellings would be sited to the north-eastern corner of the site, adjacent to the River Bulbourne and would comprise two storey (with accommodation in the roofspace) buildings set at right angles to each other. The buildings would be accessed via a new drive running the length of the northern boundary and would provide 6 off street parking spaces. The dwelling of Plot A would be served by a small garden to the south of the building which would extend right up to the River. Plot B would be served by a much larger garden, also to the south, which would extend as far as the Grand Union Canal. New close boarded fencing would be erected to the east of Plot B separating the proposed dwellings from Old Fishery House. An 8m buffer has been provided to the river Bulbourne wherein there is not proposed to be any development.

Referral to Committee

The application is referred to the Development Control Committee as it has been called in by Cllr Marshall.

Planning History

No recent history .

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 10,
Appendices 1, 2, 3,

Supplementary Planning Guidance / Documents

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

Summary of Representations

Env Agency

latest response

Thank you for consulting us on the amended Flood Risk Assessment (FRA) by Resilience and Flood Risk (16 March 2015, V2.0 ref1027B).

We have reviewed the submitted FRA and are satisfied that the proposed dwellings are 8 metres from the River Bulbourne and now located in flood zone 1. There has been enough information provided to demonstrate people will be kept safe from flood hazards and that all fencing will be left open. As the dwellings are now located in flood zone 1 the sequential test is not required. We remove our objection on inadequate FRA, providing that the

following condition is imposed on any planning permission granted.

Condition The development hereby permitted shall not be commenced until such time as a scheme has been submitted to ensure:

- finished floor levels are set no lower than 84.35 m above Ordnance Datum (AOD)
- The occupants register for the Flood Warning Service provided by the Environment Agency
- That fencing on land below 84.35m above Ordnance Datum AOD shall be open in style to allow the passage of floodwater without an increased flood risk. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority

Reason

To reduce the risk of flooding to the proposed development and future users and to properties in the vicinity of the development site.

This condition is supported by your Local Plan policy CS31: Water Management.

Flood Defence Consent

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Bulbourne, designated a 'main river'. All landscaping including gardens or structures, such as an outfall, within will require our consent. This is irrespective of planning permission granted.

Original comments

Thank you for consulting us on the submitted Flood Risk Assessment (FRA) by Resilience and Flood Risk (2nd February 2015, V1.0 ref1027B). We have reviewed this FRA in line with the red line boundary shown in the site plan (drawing no. 990/2A).

We are in a position to remove our objection on the sequential test (ST), as evidence has been submitted within the FRA. It is for you as the Local Planning Authority to determine whether or not there are other sites available at a lower flood risk as required by the ST in the National Planning Policy Framework. Therefore you need to be satisfied with the evidence submitted, and decide if this development has passed the ST and first part of the Exception Test (ET). The FRA states that the new dwellings will be set back 8 metres from the River Bulbourne. Therefore we are in a position to remove our objection on proximity to the River Bulbourne.

As an FRA has now been submitted we are able to remove our absence of a FRA objection. We have reviewed the FRA and find it inadequate therefore we **object** to the grant of planning permission on this basis and recommend refusal. Until we are satisfied with the FRA the second part of the ET has not passed.

Reason The FRA submitted with this application does not comply with the requirements set out in paragraph 10 the National Planning Practice Guidance to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

1. demonstrate that the development is outside Flood Zones 3b and 3a plus climate change and we cannot therefore assess the risk of flooding to the proposed residential units
2. demonstrate that people will be kept safe from flood hazards identified

3. show a plan with cross sections of the exact distance from the River Bulbourne
4. show all fencing within 8 metres from the River Bulbourne to be open so flood water can pass through

Overcoming our objection The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrate that the development will not increase risk elsewhere and where possible reduce flood risk overall. In particular adequately addresses the discrepancy between the Finished Floor Levels stated in Section 5.1 and the datum used for the topographic survey.

Conservation and Design

The application site is adjacent to the River Bulbourne and is an attractive rural location with open views across the water. The site is accessed via a narrow lane with no footpath.

Old Fishery House is a relatively large detached house that has evolved in phases since the late C18th or early C19th and occupies a secluded position on the east side of Old Fishery Lane (now a cul-de-sac). The house sits close to the road with an extensive garden running down to the river and canal beyond. The entire house is brick with slate roofs, the original core is rendered with stucco joint lines, otherwise the brick is painted white. Cast iron rainwater goods and timber fenestration throughout. The house has a late C18th or early C19th core, two storeys, square on plan with a hipped roof and central ridge stack. This appears to have faced south originally, with a principal heated room each side of the rendered ridge stack; the staircase was probably located to the north side. This was replaced in the second half of the C19th by a taller rectangular block with its own hipped roof, providing a large principal room facing east with a dog-leg staircase and entrance. Further service additions were made to the west of the original core with a narrow projecting gable with oversailing brick courses to the gable and a further wing with similar detailing to gable end extending west at right angles to this projecting gable, with rendered stacks at each end. Infill for stairs and service rooms creates a stepped layout on plan in the north-west angle. A glazed conservatory, part glazed roof wraps around the south-east corner of house and extends across the whole south and east façades of the original core. Fenestration consists of two 4-light casements, 3 panes per light to each of the south and east facades of the original core, with half glazed door between the two windows on the south side. The upper panes have slender Gothic tracery design, which is echoed in the later extensions.

Old Fishery House is considered an undesignated Heritage Asset. The National Planning Policy Framework (NPPF) describes heritage assets as “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing)”. Paragraph 129 of the NPPF states: “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”.

Old Fishery House has been informally considered for local listing and it is the view of the Conservation & Design Team that the building is suitable for local listing. The procedure for local listing is being reconsidered by Cabinet in July 2015; following approval of the new designation procedure Old Fishery House will be formally assessed for inclusion on the Local List of Heritage Assets. As such the effect of this planning application on the significance of a non-designated heritage asset should be taken into account in determining this application.

I am very concerned at the siting and design of this proposal and consider that this would be detrimental to the setting of Old Fishery House by virtue of the number of dwellings proposed, the proximity of the parking to the heritage asset and the 'anywhere design' of the buildings.

For any proposal to be acceptable it needs to relate to the setting of Old Fishery House and its garden setting. In this regard no development is acceptable to the west in front of the main house. In addition I would suggest that for any development to be acceptable that the design needs to relate to historic character of the main building and sit comfortably as a group with the main house and the existing outbuilding.

Herts Highways

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:

1. On site parking shall be provided for the use of all contractors, sub-contractors, visitors and delivery vehicles engaged on or having business on site in accordance with details to be agreed in writing with the local planning authority, in consultation with the highway authority, before the commencement of on site works.

Reason In the interest of highway safety and efficiency.

2. 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 emit dust or deposit mud, slurry or other debris on the highway, in particular(but without prejudice to the

foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.

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

3. All areas for parking and storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

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

Comments:

The proposal is for the construction of 2 new detached dwellings on land adjoining Old Fishery House with access road and single garage attached to each dwelling.

Access

The applicant indicates the development will involve a new access to the highway. Old Fishery Lane is an unclassified road with a speed limit of 30mph. The proposed access is acceptable in Highway grounds.

Parking

The applicant indicates there will be 6 parking spaces within the site to serve the proposed dwellings. Submitted drawing no 990/2D dated March 2015 shows sufficient space in front of the dwellings to provide parking for 4 on-site parking and a turning area so that vehicles can able to enter and leave the highway in forward gear. Under these circumstances I do not consider I could substantiate a highway objection to this development.

Conclusion

Hertfordshire County Council as the Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways and consequently have no objections on highway grounds

Canal & River Trust

After due consideration of the application details, the Canal & River Trust has **no comments** to make.

If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

“The applicant/developer is advised to contact Osi Ivowi on 01908 302 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

In addition, in order for the Canal & River Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Trees and Woodlands

The scale bar attached to the plans appears to be inaccurate but provided the new building is to be 17 metres from the tree, that is sufficient, so long as the root protection zone is suitably protected, whether anyone wants to live 17 metres from a mature beech tree is another matter.

The belt of trees on the northern boundary provide good screening and site separation. All their root systems all extend out into the area where there will be a lot of vehicle movement in connection with building the new houses and finally the new access road constructed.

Please condition:

A tree survey in accordance with BS 5837 for trees only to the north of the river and further work to demonstrate, i) how the beech trees will be protected during construction ii) how trees on the northern boundary will be protected both during construction and as a consequence of the new access road being put in.

Hertfordshire Biological Records Centre

Thank you for consulting *Hertfordshire Ecology* on the above application. We previously provided comments in our letter response dated 14/04/2015. I still consider our comments to be applicable, please see below.

Comments taken from our previous letter response, dated 14/05/2015:

Ecology Report

Thank you for sending me a copy of the ecology report for the above site, for which I have the following comments:

1. The site already had three mature ash trees felled before the survey was undertaken, so any ecological impact of this action had already occurred.
2. Three remaining trees with bat potential and other ecological interest (invertebrates – woodpecker holes) will be affected, two needing to be removed.
3. No evidence of water vole was recorded and mitigation measures will ensure that the river bank habitat will not be directly impacted by the proposals.
4. Although bird nesting habitat will be removed, no evidence of badgers or good reptile habitat was recorded.
5. It is recommended that tree works are undertaken in the presence / under supervision of a bat ecologist, given the potential these have for bats and the impact of the works - Recommendations 1 and 3.
6. Overall increase in disturbance to the river is not considered to be significant given the nature of existing development within the river corridor. However I consider that given the site originally supported several mature ash trees which have now been removed, it previously provided a better ecological resource locally than is currently present. The riverside bank habitat with its marginal vegetation in Photo 7 is also clearly natural and is of good ecological quality. Given that one new house will be 5m from the river edge, in any event, protection of the river habitat should follow the advice outlined in Recommendation 4.
7. General vegetation removal should be undertaken outside of the bird nesting season or following prior inspection, as per Recommendation 5.
8. Landscaping should replace habitats lost to the development – namely trees, shrubs and climbing plants (Recommendation 6).
9. The wood chippings pile should be removed with due caution given the potential this has for attracting a range of wildlife, some of which (reptiles) will be protected - Recommendation 7.
10. There has clearly been some locally significant habitat removal within the site before the survey was undertaken, but I consider the survey to be a fair and reasonable reflection of the existing ecology as observed. No particular special interest was recorded other than features which are clearly used by wildlife and have the potential to support protected species. These issues should be dealt with as outlined within the recommendations of the

report. **The LPA may consider making the Recommendations subject of an Informative** should the application be approved – not all the recommendations may be appropriate to be subject to a Condition. **I assume the development will be subject to an appropriate landscaping scheme to the satisfaction of the LPA.**

11. On this basis **I consider the LPA is fully informed with respect to the ecological sensitivity of the application site and the impacts of the proposals**, and should **seek to ensure the recommendations as outlined in the report are followed** when determining the application.

12. I have no reason to consider there are any other ecological issues associated with this proposal, **which may be determined accordingly.**

Environmental Health - Contaminated Land Officer

The site is located within the vicinity of potentially contaminative former land uses (unknown filled ground). Consequently there may be land contamination issues associated with this site. I recommend that the contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Online Petition comprising 359 signatures.

Representation received from No.s 8, 14, 15, 19, 24, 26, 30, 32, 34, 36, 38, 40 Moorland Road, Old Fishery Cottage, Longview, Coach House, Heron House, Five Elms, 7 & 12 Cangel Close, 55 Lawn Lane, 19 St Nicholas Mount, 33 Chipperfield Road, Numerous unknown addresses. Boxmoor Trout Fisheries Ltd.

- Inappropriate 'tandem' development
- Amended scheme dwellings are even closer to Moorland Road
- Old Fishery House is a significant historic dwelling dating back to the early 18th century. The house and grounds are a focal point with the community along with the historic watercress gardens
- Overdevelopment of the site
- Increased visual intrusion and overlooking to adjacent dwellings
- Inadequate services
- Visual implications from the Moor and the canal
- Dangerous access
- Concerns over the integrity of the paved driveway close to the application site which would be used for turning
 - The development would give rise to noise and light pollution
 - size and style of dwellings is not in keeping with the area
 - the lane is heavily used by cyclists and walkers
 - there is a weight restriction on the bridge and it is in danger of collapse if heavy delivery lorries use it to turn
- the development would threaten wildlife
- Fishery Lane is a very narrow lane with no passing or turning space, the development would adversely affect safety
 - the increase in traffic and pedestrians would adversely affect safety
 - The dwellings would be sited too close to the River Bulbourne and would thus be at a high risk of flooding.
 - there are many mature trees across the site which should be protected before they

are removed

- The boundary line on the western and north-western edges of the lake, bank and river are incorrect
- the adverse environmental and wildlife implications may impact adversely on the area of our property that adjoins the site.

Considerations

Policy and Principle

The site is situated within the urban, residential area of Hemel Hempstead wherein the principle of the development is considered acceptable in accordance with CS1 and CS4 of the Core Strategy. Saved Policy 10 of the Local Plan also applies with regard to ensuring the efficient and optimal use of Urban Land.

Design & Layout.

Policy CS11 of the adopted Core Strategy (Quality of Neighbourhood Design) states that within settlements and neighbourhoods, development should:

- a) respect the typical density intended in an area and enhance spaces between buildings and general character;
- b) preserve attractive streetscapes and enhance any positive linkages between character areas;
- c) co-ordinate streetscape design between character areas;
- d) protect or enhance any positive linkages between character areas;
- e) incorporate natural surveillance to deter crime and the fear of crime; and
- f) avoid large areas dominated by car parking.

Secondly, policy CS12 (Quality of Site Design) states that on each site development should:

- a) provide a safe and satisfactory means of access for all users;
- b) provide sufficient parking and sufficient space for servicing;
- c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties;
- d) retain important trees or replace them with suitable species if their loss is justified;
- e) plant trees and shrubs to help assimilate development and softly screen settlement edges;
- f) integrate with the streetscene character; and g) respect adjoining neighbours in terms of:

- i) layout;
- ii) security;
- iii) site coverage;
- iv) scale;
- v) height;
- vi) bulk;
- vii) materials; and
- viii) landscaping and amenity space

The specific development principles for this area are set out in Saved HCA7:Boxmoor

- Design: Style of new dwellings may vary, but the scale, height and orientation of new proposals should follow that common to the street scene and to the nearby and adjacent dwellings
- Type: Semi-detached and terraced dwellings are encouraged. Detached dwellings may be acceptable where those types forms the majority of nearby and adjacent development.
- Height: Should not normally exceed two storeys in height.
- Size: Small to medium sized dwellings are acceptable, large scale bulky development will not normally be acceptable.
- Layout: Proposals should normally maintain a close to medium spacing (less than 2m or between 2m and 5m). Dwellings should front onto the highway following a straight, formal building line.
- Density: Development should be provided in the high density range, (35 to 50 dwellings/ha) although lower densities will be required in areas where the predominant density of below those in this range.

As stated the site falls within the Boxmoor Character Area HCA7 (1). Area 1 is the older central core dating from the 19th century featuring much Victorian and Edwardian development. However, this has been progressively infilled with housing from all ages onwards, such as Moorland Road. All types of dwellings are represented with a variety of architectural styles throughout. The height is mostly two storey with generally small to medium size properties.

Despite the Conservation Officers comments ('anywhere design'), on balance, the design and layout of the dwellings proposed is considered acceptable in this secluded location. The proposed dwellings appear two storeys in height with accommodation in the roofspace. The dwellings are situated at right angles to each other and appear as a mirror image. They both comprise two storey gabled roof dwellings with projecting gabled front and rear wings. A smaller gabled porch is provided to the front and a dummy pitched attached garage is located to the side. Their design does not relate to the existing building Old Fishery House but according to the agent draws together numerous features from surrounding dwellings.

The dwellings to the south-western corner of Moorland Road, the properties of Cangel Close and indeed some properties on Old Fishery Lane itself (Bargemoor and Five Elms) are two storeys / two and a half storeys in height, and all exhibit a wide variety of design features including large projecting front gabled wings, side dormers, flat roofs, and dummy pitched roofs. Heron House, the new dwelling which has been constructed immediately adjacent to the entrance of the application site, whilst one and half storeys in height, comprises a large projecting front gable. Given the vast variety in the area, the design proposed is considered acceptable and would not cause significant harm to the surrounding area.

The dwellings proposed are not considered of any architectural merit but would relate to other dwellings in the vicinity. Furthermore given their set back position, behind Old Fishery House, and their limited visibility from public vantage points, it is considered that their visual impact on the overall character and appearance of the wider area would be minimal. A refusal could not be sustained. The dwellings are set back some distance within the site and accessed via a relatively long driveway situated between a new property 'Heron House' and the sizeable outbuilding of the main property 'Old Fishery House'. The site access is fairly limited in width and as such views of the new dwellings, especially that of Plot B would be fairly restricted. The 2 new dwellings are

set at right angles to each other with an adequate separation distance. In terms of layout the site is considered to be of sufficient size to accommodate the units proposed.

Effects on Old Fishery House.

Objections have been received from the Conservation Officer however at this time it is considered a refusal could not be sustained.

Whilst considered worthy of Local listing, Old Fishery House is currently an undesignated 'Heritage asset'. Policies of the NPPF and Policy CS27 of the Core Strategy seek to protect the integrity, setting and distinctiveness of designated and undesignated heritage assets.

Notwithstanding the comments of the Conservation Officer, the proposed dwellings are set some distance from the main property and its outbuildings and as such would not have a significant impact on their overall setting. A large garden, would remain to the north of the main house which would help preserve the overall setting. The height of the proposed units has been lowered to respect the hierarchy of the buildings across the site and to allow Old Fishery House to remain the dominant building on the site. Old Fishery House and its outbuildings front the lane and are visible for a distance both ways down the lane, they do therefore appear as prominent buildings in the area. This would not change as a result of the proposal. The new properties would only be visible from directly in front of the access drive, adjacent to the existing outbuilding. On balance it is concluded that a refusal could not be sustained.

Impact on Trees and Landscaping

The site is very well treed with numerous mature trees across its entirety. The site is not currently the subject of any Tree Preservation Orders. The Woodlands Officer is satisfied that the new dwellings can be accommodated on the site without harm to any significant mature trees (most notably the Beech). The new properties would be 17m from the Beech tree which is considered acceptable. It is recommended that conditional approval be granted. Full details of the trees to the north of the river will be required. In addition the new driveway is located in close proximity to a line of trees along the northern boundary. A scheme to show measures for their protection will be imposed.

Impact on Highway Safety

Old Fishery Lane is an unclassified Lane with a 30mph speed limit. The proposed access to the 2 new dwellings is considered acceptable and would not adversely affect the safety or operation of the highway. The Highways Authority have not raised any objections. Each of the new dwellings would be served by an attached single garage and an additional area for the communal parking of 4 vehicles would be provided to the east of Plot B. The provision of 3 parking spaces per 5-bedroom dwelling is considered acceptable in this location and despite exceeding the maximum demand based standard set out in Appendix 5 of the Local Plan it is considered that a refusal on an over provision of parking in this secluded unsustainable site could not be sustained.

Impact on Neighbours

The proposed dwellings would not have a significant adverse impact on the residential amenities of surrounding dwellings in terms of light, privacy or visual intrusion. The scheme thus complies with Policy CS12 of the Core Strategy.

With regard to the existing properties of Moorland Road, notwithstanding residents concerns, the new dwellings would be sited over 26m away, which more than complies with the required 23m back to back distance set out in the Local Plan. In addition, the side elevation of the dwelling of Plot A, which is the nearest dwelling would only have a single window at first floor level and this is proposed to be of obscure glaze. The separation distance and lack of windows would ensure an acceptable level of privacy is maintained to No.s 34, 36 and 38 Moorland Road. Similarly given the spacing between the buildings, despite the new properties appearing two storeys in height (with accommodation in the roof-space) it is concluded that they would not appear significantly visually intrusive or overbearing.

The relationship of the new properties to the main dwelling Old Fishery House is also considered acceptable. There are two windows to the eastern flank elevation but these are to be obscure glazed and as such would not give rise to any concerns.

With regard to the residential amenities of future residents, the dwellings have been designed in such a way as to not overlook each other and do provide an acceptable level of privacy.

Flood Risk

The application site is located in very close proximity to the River Bulbourne and the Grand Union Canal. Objections were originally received from the Environment Agency but following additional Flood Risk Assessments and amendments to the proposal these objections have been removed. The Env Agency are now satisfied that enough information has been provided to demonstrate people will be kept safe from flood hazards and that all fencing will be kept open. As the dwellings are now located in Flood Zone 1 the sequential test is no longer required. It is now recommended that conditional approval be granted. Despite continued neighbour concerns and objections relating to flood risk, the position of the new dwellings has been amended as a direct response to the Env Agency's requests and they are now sited over 8m from the water course. A refusal based on Flood Risk and the proximity of the proposed dwellings to the River Bulbourne could not be sustained.

Sustainability

A sustainability checklist has been submitted as part of the application and whilst it addresses some issues it lacks any detailed information. A condition requiring additional information will be imposed.

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 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 samples of the materials proposed to be used on the external [walls/roofs] of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development and to comply with Policy CS12 of the 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;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 4 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition:**

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a

search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 5 All remediation or protection measures identified in the Remediation Statement referred to in Condition 4 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes [A, B, C, D, E, F, G and H]

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.

- 7 No development shall commence until a scheme to confirm the following has been submitted to and approved by the LPA.**

- **finished floor levels are set no lower than 84.35 m above Ordnance Datum (AOD)**
- **The occupants register for the Flood Warning Service provided by the Environment Agency**
- **That fencing on land below 84.35m above Ordnance Datum AOD shall be open in style to allow the passage of floodwater without an increased flood risk.**

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority

Reason: To reduce the risk of flooding to the proposed development and future users and to properties in the vicinity of the development site. This condition is supported by your Local Plan policy CS31: Water Management.

- 8 The development hereby approved shall be constructed fully in accordance with the details and recommendations set out in the submitted Ecological Assessment (dated March 2015).**

Reason: To conserve and enhance protected and priority species populations in accordance with CS26 and NPPF para 118.

- 9 Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance.

- 10 No development shall commence until further tree surveys and details have been submitted to and approved in writing by the Local Planning**

Authority.

These details shall include; a full tree survey in accordance with BS 5837 for all the trees north of the River, details of how the Beech trees will be protected during construction and how the trees to the northern boundary will be protected both during construction and as a consequence of the new access road being provided.

Reason: To safeguard the visual amenity of the area and the health and amenity of the trees.

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

990/1C

990/2E

990/3C

990/4D

990/5B

Flood Risk Assessment (dated March 2015)

Ecological Assessment (dated March 2015)

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

Article 31

Planning permission/advertisement consent/listed building consent 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 2012.

INFORMATIVES

- The applicants is advised that under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Bulbourne, designated a 'main river'. All landscaping including gardens or structures, such as an outfall, within will require our consent. This is irrespective of planning permission granted.

"The applicant/developer is advised to contact Osi Ivowi on 01908 302 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".