

**4/03282/16/FUL - FOUR TWO-BED DWELLINGS.
LAND SOUTH OF 30, WEST DENE, GREAT GADDESSEN.
APPLICANT: Hastoe Wyvern Housing Association.**

[Case Officer - Matt Heron]

Summary

As the proposed dwellings would be affordable units and the site is not significantly isolated from larger urban areas, the development, on the whole, is sustainable.

Furthermore, the development would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and would deliver homes in accordance with an identified need, with priority given to those with a local connection. As such, the development is in accordance with Policy CS20 (subject to a relevant legal agreement) and there is no compelling objection to the principle of the development in land use terms.

The proposal has also been assessed in terms of its impacts on the character of the Rural Area and the AONB, the living conditions of the occupants of surrounding units, parking provision, highway safety and other relevant material considerations. The proposal is considered acceptable in terms of the above and would comply with identified local and national policy in this regard.

Site Description

The application site is located within a residential area of Great Gaddesden, within the Chilterns Area of Outstanding Natural Beauty and the designated 'Rural Area'.

The site comprises 26 single storey garages (approximately 1182m² of built form), laid out in three rows, and is bounded by residential units to the north, south and west. Immediately beyond the eastern boundary of the site lies a public footpath and beyond this is an open field system.

Proposal

This application seeks full planning permission for the demolition of the existing garages and the construction of 4no. two bedroom units.

Referral to Committee

The application is referred to the Development Control Committee as Dacorum Borough Council has an interest in land at the application site.

Relevant History

None relevant.

Policies

National Policy Guidance

National Planning Policy Framework (the Framework)

Adopted Core Strategy

NP1 – Supporting Development
CS1 – Distribution of Development
CS4 – The Towns and Large Villages
CS7 – Rural Area
CS8 – Sustainable Transport
CS9 – Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS20 – Rural Sites for Affordable Homes
CS24 – The Chilterns Area of Outstanding Natural Beauty
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the use of Urban Land
Policy 51 – Development and Transport Impacts
Policy 57 – Provision and Management of Parking
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 97 – Chilterns Area of Outstanding Natural Beauty
Policy 129 – Storage and Recycling of Waste on Development Sites
Appendix 5 – Parking Provision

Summary of Representations

Comments received from consultees:

Hertfordshire County Council Transport, Programmes and Strategy – No objection subject to relevant conditions.

Dacorum Environmental Health – No objection subject to a relevant condition.

Dacorum Trees and Woodland Department – No objection received.

Affinity Water – No objection received.

Thames Water – No objection.

Comments received from local residents:

Two letters of objection have been received from addresses in West Dene. Comments are summarised as:

- Concerns with regards to contaminated land and its remediation.
- Overlooking of residential units.

One other comment from a neighbouring address has been submitted and draws concerns to the measures for remediating any contaminated land at the site.

Further, it is noted that the above mentioned objections draw attention to legal rights of access. Though it would appear no right of access is impinged upon, this forms a legal/civil matter and is outside of the remit of planning. No weight is therefore afforded to this particular objection.

Comments received from Parish Council

Great Gaddesden Parish Council – Support the application.

Key Considerations:

1. The principle of development
2. The quality of the design and the impacts upon the Rural Area and the Area of Outstanding Natural Beauty (AONB)
3. The potential impact on the living conditions of the occupiers of surrounding residential units.
4. Highway Safety and Parking Provision
5. Other Material Planning Considerations
 - i) Contaminated Land
 - ii) Refuse and Recycling Storage
 - iii) Protected Species

1. The principle of development

The application site is located within Great Gaddesden but is not an allocated housing site and so is considered to be a 'windfall site'. It is acknowledged that Core Strategy Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged. As such, this particular site is not completely in accordance with the Council's identified settlement strategy.

However, there is a bus service within close proximity of the site which provides a service to facilities and services within larger urban areas and there is a school within Great Gaddesden. As such, and given that the proposed units would be affordable units, it is not considered that the site is significantly isolated and that the development, on the whole, is socially sustainable.

The site is previously developed and Policy CS7 states that within the Rural Area the small scale redevelopment of previously developed sites may be acceptable provided proposals

harmonise with the existing rural character and support the rural economy. The construction of units themselves would result in some economic benefits and future residents may use surrounding local services. As such, provided that the development integrates with its surroundings (see discussion below) there is no compelling objection to the principal of the proposal within the Rural Area.

The proposal is also for affordable units. Policy CS20 states that proposals for affordable units not within or surrounding selected small villages may be acceptable provided there is the support of the local Parish Council. Proposals with such support must also; meet an identified local need for affordable housing, be for people with a connection with the village or parish and be of a scale and design which respects its setting.

The applicant has agreed to sign a legal agreement ensuring that priority for the occupation of affordable units would be given to those with a local connection and the applicant has submitted a Housing Needs Survey identifying that there is a need for some affordable housing (6 units) in Great Gaddesden. Furthermore, Dacorum Housing Department has confirmed there is a demand, both locally and across the Borough, for two bedroom affordable units. Taking all of this into account, it is considered that there is an identified need for the type of proposed unit and the development would help ease the pressure on the Council's local and Borough wide housing register. As such, subject to preserving the spatial pattern of surrounding built form, the proposal would comply with Policy CS20.

Taking all of the above into account, as the National Planning Policy Framework (henceforth referred to as the Framework) encourages the provision of more housing within existing settlements and Local Plan Policy 10 seeks to optimise the use of available land within urban area, it is considered that the development would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). Furthermore, it would deliver homes in accordance with an identified need, with priority given to those with a local connection, and would, overall, represent sustainable development. As such, subject to harmonising with the semi-rural setting, there is no compelling objection to the principle of the development in land use terms.

2. The quality of the design and the impacts upon the Rural Area and the Area of Outstanding Natural Beauty (AONB)

Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Additionally, Policies CS1 and CS7 seek to preserve the rural character of the Borough and Chapter 7 of the Framework emphasises the importance of good design in context. In particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

Additionally, the application site is located within an Area of Outstanding Natural Beauty (AONB). Policy CS24 and Local Plan Policy 97 seek to conserve the special qualities of this area and ensure materials used for developments fit the traditional character of the area. Additionally, Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in the AONB.

The application site comprises three rows of single storey garages and is located within a

residential area of Great Gaddesden. Residential units within West Dene, from which access to the site is taken, comprise two storey semi-detached and terraced units constructed from an eclectic mix of materials (including cladding, brickwork and rendered brickwork) under pitched roofs.

The proposed units have a combined footprint of approximately 192m². There would be a gap of approximately 15m between the proposed terraced units and No. 28 West Dene to the west, a gap of approximately 5.5m between proposed units and No. 30 West Dene to the north and a gap of approximately 10m between the development and the boundaries of rear gardens which benefit existing units to the south.

Taking the above into account, and as the absence of built form to the west of the site and rear gardens of units which adjoin the site aid in retaining the spacious feel of the area, it is considered that sufficient spacing would be left about the development to ensure that it would not appear cramped or overdeveloped upon the site. However, to ensure that the proposal remains acceptable in this regard, it is considered reasonable to remove permitted development rights for extensions and alterations to the units under Schedule 2, Part 1, Class A.

Furthermore, proposed units would have a maximum height of approximately 7.6m, which is commensurate with the scale of surrounding units. As such, it is not considered that the development would appear as a visually dominant feature within the immediate streetscene.

Turning to the individual design of units, it is not considered that a row of terraced dwellinghouses would disrupt the spatial pattern of surrounding built form. Furthermore, the units would be constructed of facing brickwork (Lydigate Red Multi), buttermilk render and horizontal weatherboarding (Cedral Lap weatherboard – Silver Grey) under a grey tiled roof (Russel Roof Tiles – Grampian). These materials are sympathetic to surrounding residential units and, as such, the development would not disrupt the character of the immediate streetscene and the visual interests of its surroundings. It is, however, considered reasonable to impose a condition requesting further details of the proposed hardstanding to ensure that there is a high quality mix of materials for this element of the development.

On discussion with Dacorum Trees and Woodland, it is not considered that the proposal would result in harm to vegetation that is of significant amenity value to protect. Notwithstanding this, it is considered reasonable to impose a condition requesting a detailed landscaping plan showing exact specifications of vegetation to be planted and details of boundary treatments to ensure the development is of a high standard in this regard.

Overall, subject to the imposition of identified conditions, the proposal would be visually acceptable and would not disrupt the character of the Rural Area or the AONB. As such, the proposal complies with identified local and national policy in this regard.

3. The potential impact on the living conditions of the occupiers of surrounding residential units.

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

The proposed units would extend approximately 6m beyond the main two storey rear elevation of no. 30 West Dene and would be approximately 5.5m away from this neighbouring property. Though the proposal would be visible from the rear windows and external amenity space which benefits No 30 West Dene, it is not considered that the build, form and positioning of the development would result in significant harm to the living conditions of the occupants of this neighbouring unit, in terms of overbearing and loss of light. Furthermore, there would only be a small, obscure glazed, window in the northern elevation of the proposed row of units and first floor rear windows would not afford direct views of the private primary amenity space which benefits No. 30 West Dene. As such, the privacy of this unit would be preserved.

With regard to potential noise and disturbance, it is noted that proposed parking spaces would be adjacent to existing residential units. However, there are no windows within the main southern elevation of No. 30 West Dene and there would be landscaping and boundary treatments adjacent to most parking spaces to reduce disturbance from vehicular movements. Taking this into account, and given the overall scale of the proposal and the residential context in which it would be located, it is not considered that the proposal would result in significant levels of noise and disturbance, particularly when compared to the existing lawful use of the site. The proposal is therefore considered acceptable in this regard.

Finally, though not shown on plans, there is the potential for street lighting to be introduced to this development in the future. In order to adequately manage the impacts any future lighting may have on existing residential units, it is recommended that a condition be imposed requesting details of any such lighting.

Taking all of the above into account, and given the distance to units to the west and south of the site (15m and 10m respectively), the proposal would not result in significant harm to the living conditions of the occupants of surrounding residential units, in terms of overbearing and loss of light. Additionally, the proposal would not result in significant levels of noise and disturbance and would preserve the privacy of surrounding dwellings. Further, the proposed units would be of a high standard of design and would offer acceptable living conditions for future residents. As such, the proposal complies with identified local and national policy in this regard.

4. Highway Safety and Parking Provision

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the Framework and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12.

The proposal would afford two off-road parking spaces for each unit. Parking provision for proposed units is therefore acceptable.

Turning to the loss of the existing garages, the applicant has provided information which

outlines that 13 of the 26 garages are vacant and only four of these garages are used by residents of South Dene. The applicant has also submitted a Parking Survey outlining that there is ample on-street parking provision in West Dene.

Given the low occupancy rates of the garages and the existence of on-street parking within the immediate area, it is considered that the loss of existing garages would not result in such on-street parking pressures that would be to the extent that would warrant a refusal of permission. As such the proposal is acceptable in this regard.

Policies CS8, CS9 and 51 seek to ensure developments have no detrimental impacts in terms of highway safety.

Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS) have been consulted and consider that access to the site would be acceptable and vehicular movements associated with the proposal could be accommodated on the exiting highways network. Subject to the imposition of conditions requiring visibility splays to be maintained and the access to be suitably surfaced, HCCTPS are not in objection to the development. As such, the proposal is considered acceptable in this regard.

5. Other Material Planning Considerations

i) Contaminated Land

Policy CS32 seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated.

Dacorum Environmental Health Department have been consulted and consider that, as the site is located within the vicinity of potentially contaminative former land uses, a standard contamination condition should be imposed. This condition would require an initial investigation and risk assessment and is phased so if no risk is identified at the desk top study stage then there is no need to proceed further and the condition can be 'discharged'.

This condition is considered reasonable and would ensure that any contaminated land at the site is appropriately dealt with.

ii) Refuse and Recycling Storage

Saved Policy 129 seeks to ensure that developments have adequate storage for refuse and recycling. The proposed dwellings would provide secure space to the rear to store wheelie bins, which themselves could be presented to the highway boundary for collection when required. As such, it is considered that the development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

iii) Protected Species

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS26 states that

proposals should contribute to the conservation of habitats and species.

The application site is not located within a designated Wildlife Site and there are no records of protected species at the site. As such, it is not considered that the proposal would result in harm to the biodiversity of the area.

Conclusion

As the proposed dwellings would be affordable units and the site is not significantly isolated from larger urban areas, the development, on the whole, is sustainable.

Furthermore, the development would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and would deliver homes in accordance with an identified need, with priority given to those with a local connection. As such, the development is in accordance with Policy CS20 (subject to a relevant legal agreement) and there is no compelling objection to the principle of the development in land use terms.

The proposal has also been assessed in terms of its impacts on the character of the Rural Area and the AONB, the living conditions of the occupants of surrounding units, parking provision, highway safety and other relevant material considerations. The proposal is considered acceptable in terms of the above and would comply with identified local and national policy in this regard.

RECOMMENDATION - That the application be DELEGATED to the Group Manger, Development Management and Planning with a view to approval subject to the completion of a legal agreement requiring the provision of affordable housing 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 The development hereby permitted shall not be carried out other than in accordance with the following approved plans/documents: ADC1551/001 Rev. A & 16 WDG SP3 Rev. F & 16 WDG SP01 & 16 WDG SP4 Rev. E & 16 WDG CE01 & 16 WDG SL01 & 16 WDG P2 Rev. E & materials details within document entitled 'Architect's Design and Access Statement'.**

Reason: For the avoidance of doubt, in the interests of proper planning and in the interests of the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 3 Prior to first occupation of the development hereby permitted full details on a suitably scaled plan of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and**

shall be carried out and retained as approved. The landscaping details to be submitted shall include:-

- a) means of enclosure;
- b) existing and proposed finished levels and finished floor levels.
- c) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;
- d) details for all external hard surface within the site, including roads, drainage detail and car parking areas;

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 4 **All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 5 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class A shall take place.**

Reason: To enable the local planning authority to retain control over the development in the interests of the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 6 **Details of any external lighting proposed in connection with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of approved units. The development shall not be carried out other than in accordance with approved details in this regard.**

Reason: In the interests of the living conditions of the occupants of surrounding units and the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

7 **No development shall 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 must be submitted and approved 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:

- **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

If contaminated land is identified through condition (a), 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. 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/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/validation 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 CS32 of the adopted Core Strategy 2013.

- 8 **Before the access is first brought into use 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. Splays shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway/footway level.**

Reason: To provide adequate visibility for drivers entering and leaving the site in the interests of highway safety in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

- 9 **Prior to first occupation of the development hereby granted all on site vehicular areas shall be accessible and surfaced (and marked) in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the premises in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004

- 10 **The access shall be constructed in a hard surfacing material for the first 5 metres from the edge of the footway/carriageway.**

Reason: To prevent loose material from passing onto the public highway, in the interests of highway safety in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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) Order 2015

Informatives:

1. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact hertsdirect@hertscc.gov.uk or for information use our website www.hertsdirect.org. or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out. Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.