

4/02580/16/FUL - CONSTRUCTION OF DETACHED TWO BEDROOM, TWO STOREY DWELLING WITH ASSOCIATED PARKING..
1 THE CART TRACK, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XA.
APPLICANT: Mr Hall.

[Case Officer - Matt Heron]

Summary

The proposal would make a valuable contribution to the Borough's existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location and seeks to optimise the use of urban land, there is therefore no compelling objection to the principle of the proposed development in residential land use terms.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

Notwithstanding the above, Hertfordshire County Council Transport, Programmes and Strategy are yet to provide comment on amended plans. Comments in this regard will be presented to the Development Management Committee in due course.

Site Description

The application site is located in the built up area of Hemel Hempstead, towards the south of this town. The site is located in an area predominately comprised of residential units and access is taken from Belswains Lane to the south. Belswains Lane itself is comprised of a mix of detached, semi-detached and terraced units constructed in a variety of architectural styles using a diverse pallet of materials.

The Cart Track itself links Belswains Lane to Pinecroft Road to the north east of the application site and a designated Public Right of Way runs along the centre of this byway. There are two detached units along The Cart Track, one of which separates the application site from a commercial business which is accessed from Pinecroft Road.

Proposal

This application seeks full planning permission for the construction of a two storey, two bedroom, detached dwellinghouse.

Referral to Committee

The application is referred to the Development Control Committee as Nash Mills Parish Council has objected to the proposal. The Parish Councils objection is as follows:

"The Council met on 10th October and reviewed this application. JDM Architects have made comments re the layout stating that "The proposal does not impact adversely on the outlook amenity or privacy of any of the surrounding properties". The NMPC Planning committee do

not agree with this statement and find the current application unacceptable. The South West side wall elevation of the proposal, which is virtually on the boundary, comprises a two story high brick wall the full width of the garden to 175 Belswains lane which is damaging to the outlook/amenity for the residents of 175 Belswains Lane. The proposed South West elevation, again virtually on the boundary, is two storeys high with multiple windows directly overlooking the garden of 177 Belswains lane damaging the amenity for residents of 177 Belswains Lane. This is contrary to the Architects statement that the proposal has no overlooking issues.”

Further, Councillor Jan Maddern has also ‘called-in’ this application raising concerns in terms of highway safety and harm to the character of the area.

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
CS8 – Sustainable Transport
CS9 – Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of the Public Realm
CS17 – New Housing
CS23 – Social Infrastructure
CS25 – Landscape Character
CS26 – Green Infrastructure
CS31 – Water Management
CS32 – Contaminated Land

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 129 – Storage and Recycling of Waste on Development Sites
Appendix 5 – Parking Provision

Summary of Representations

Comments received from consultees:

Hertfordshire Country Council Transport, Programmes and Strategy – To follow.

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

Dacorum Trees and Woodland Department – No objection.

Affinity Water – No objection.

Thames Water – No objection.

Comments received from local residents:

One letter, not specifically in objection to the proposal, has been received from an address in Belswains Lane. A number of concerns have been raised which are summarised as:

- Harm in terms of highway safety.
- Detrimental impact in terms of flooding and drainage.

Key Considerations:

The main planning issues are:

1. The principle of the development
2. The quality of the design and the impact on the character and appearance of the area
3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants
4. Highway Safety and Parking Provision
5. Other Material Planning Considerations
 - i) Contaminated Land
 - ii) Refuse and Recycling Storage
 - iii) Flooding and Drainage

1. The principle of the development

The application site is located within Hemel Hempstead but is not an allocated housing site and so is considered to be a 'windfall site'. 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.

Furthermore, the National Planning Policy Framework (henceforth referred to as the Framework) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed. Though the application site is not considered to be previously developed (with regards to Annex 2 of the Framework) Local Plan Policy 10 seeks to optimise the use of available land within urban areas.

The application site is situated within an urban residential area in the existing town of Hemel Hempstead. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site.

Taking all of the above into account, the proposal would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location, the proposal is in accordance with policies NP1, CS1, CS4, CS17, 10 and the 'golden thread' of the Framework. There is therefore no compelling objection to the principle of the proposed development.

2. The quality of the design and the impact on the character and appearance of the area

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. Chapter 7 of the Framework emphasises the importance of good design in context and, 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.

The application site is located on the north eastern side of The Cart Track – a byway linking Belswains Lane to Pinecroft Road. With the exception of two detached units positioned along The Cart Track itself, residential properties within the immediate area are positioned in traditional, formal, layouts with long linear back gardens.

Given a designated Public Right of Way runs along The Cart Track, the proposed unit would be in a visually prominent location. Though visible from the public domain, the proposed unit would be set back from The Cart Track and the scale of the building would be commensurate with that of surrounding dwellings. As such, it is not considered that the proposed unit would result in a visually prominent or dominant feature within the immediate streetscene.

Though it is acknowledged that the proposed layout is not consistent with the more formal layout of properties within the surrounding area, there would be approximately 4.5m between the proposed unit and the adjacent No. 1 The Cart Track. Further, though the unit would be within close proximity of site boundaries, the rear gardens of neighbouring dwellings which adjoin the application site would aid in retaining the spacious feel of the area. Overall, it is considered that sufficient space would be left about the proposed unit and, though the dwelling would have a somewhat unusual layout, this would not result in built form that is perceived, at street level, as being cramped or overdeveloped.

Turning to the individual design of the proposed dwellings, it is not considered that a detached property would disrupt the spatial pattern of surrounding built form. Additionally, given the

eclectic mix of architectural styles within the immediate area, it is not considered that the design approach taken would disrupt the rhythm of surrounding built form. Overall, subject to a condition requesting full specifications of the materials to be used in the actual construction of the unit, it is considered that the design of the dwelling would be acceptable.

In addition, on discussion with Dacorum Tree and Woodland Officers, it is not considered that the proposal would result in harm to vegetation that is of significant amenity value to protect. Further, it is recommended that a condition is imposed requesting the submission of a landscaping plan comprising details of proposed vegetation, hardstanding and boundary treatment. Subject to the imposition of this condition, it is considered that proposed hard and soft landscaping would be acceptable.

Taking all of the above into account, it is considered that, subject to the imposition of identified conditions, the proposed development would integrate with the streetscape character and would be acceptable in terms of individual design. Further, though the layout does not repeat that of existing surrounding units, it is not considered that the proposed layout would result in a property that appeared cramped upon its plot. As such, the proposal would comply with identified local and national policy in this regard.

3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants

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 unit would be approximately 4.5m away from No. 1 The Cart Track, would not project significantly beyond the principal elevation of this unit and would not extend at all beyond the rear elevation of this neighbouring dwelling. Taking this into account, it is not considered that the build, form and positioning of the proposal 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 are no proposed windows within the north eastern elevation and proposed first floor rear windows would not afford direct views of private primary neighbouring amenity spaces. As such, the privacy of the occupants of No.1 The Cart Track would be preserved.

Additionally, the proposed development would be approximately 23m away from existing units to the south west. As such, and as there are no windows within the south western elevation of the proposed unit, it is not considered that the proposal would result in harm to the living conditions of the occupants of units to the south east (fronting Belswains Lane), in terms of overbearing, overlooking and loss of light.

Turning to the living conditions the proposed unit would afford future occupants, it is acknowledged that the adjacent unit No. 1 The Cart Track would extend, at two storey level, approximately 5.4m beyond the rear elevation of the proposed unit. However, this neighbouring property would be approximately 4.5m away from the proposed dwelling. As such, given the orientation of the proposed unit in relation to No. 1 The Cart Track and as future occupants may choose whether or not to purchase the unit, it is not considered that adjacent built form would significantly harm the living conditions of future occupants, in terms of overbearing and loss of

light, to the extent that would warrant a refusal of permission. Furthermore, it would appear that there is only one non-habitable first floor window in the south western elevation of No.1 The Cart Track. As such, the privacy of future occupants of the dwelling would be acceptable.

In addition to the above, it is acknowledged that proposed rear windows within the south eastern elevation would be within close proximity (1.2m) of the adjacent site boundary which is likely to comprise boundary treatments such as close boarded fencing. However, rooms with windows facing the south eastern site boundary are served by additional light sources to front. As such, though the outlook from ground floor windows to the rear of the unit would not be ideal, it is not considered that the proposed unit would afford such poor living conditions for rooms impacted by the proximity of boundary treatments that would be to the extent that would warrant a refusal of permission.

Overall, it is considered that the proposal would not significantly harm the living conditions of surrounding neighbouring units, in terms of overbearing, overlooking and loss of light. Furthermore, though the proposed layout is not ideal, the unit would afford adequate living conditions for future occupants and a refusal on these grounds alone would not be reasonable. The development therefore 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 proposed unit would benefit from two off-road parking spaces which would be laid out in a useable formation. As such, parking provision for the proposed dwelling would be acceptable. Further, the existing unit, No. 1 The Cart Track, would still benefit from several off-road parking spaces to front. As such, the development would not result in the loss of existing parking provision to the extent that would warrant a refusal of permission.

Turning to highway safety, initial concerns were raised by Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS). However, these concerns were centred upon legal matters rather than planning matters as proposed parking was originally to be positioned upon the adjacent public right of way. Amended plans have been submitted altering the proposed parking layout so that it is clear of this right of way. This appears to have alleviated concerns in this regard.

HCCTPS have been formally re-consulted on amended plans but, as of yet, no comment has been received. Their comments will be presented to the Committee when received.

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 dwelling 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) Flooding and Drainage

Policy CS31 seeks to minimise the risk of flooding. As the application site is not within Flood Zones 2 or 3, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. As such, the development would be acceptable in this regard.

Further, it is noted that specific concerns have been raised with regards to the impact of the proposal on the existing sewer system. Both Thames Water and Affinity Water have been consulted and have raised no objection in this regard. Taking this into account, and as the proposal would be thoroughly assessed in terms of drainage under building control legislation were planning permission granted, it is considered that the proposal would be acceptable in this regard and a refusal on these grounds alone would not be reasonable.

Conclusion

The proposal would make a valuable contribution to the Borough's existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location, there is therefore no compelling objection to the principle of the proposed development in residential land use terms.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

Notwithstanding the above, Hertfordshire County Council Transport, Programmes and Strategy

are yet to provide comment on amended plans. Comments in this regard will be presented to the Development Management Committee in due course.

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 The development hereby permitted shall not be carried out other than in accordance with the following approved plans/documents: J1393/P03 Rev. A & J1393/P04 Rev. A & J1393/P02 Rev. A & J1393/P01.**

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

- 3 Prior to the construction of the dwelling hereby approved, full specifications of the materials to be used for the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out and retained in accordance with details approved in this regard.**

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

- 4 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.

- 5 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.

- 6 **Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts (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 part (d) has been complied with in relation to that contamination.**

(a) Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
 - human health,**
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
 - adjoining land,**
 - groundwaters and surface waters,**
 - ecological systems,**
 - archeological sites and ancient monuments;**
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).**

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

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation

objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part (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 part (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 Dacorum Core Strategy.

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was 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. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047