

**4/03638/15/FUL - CONSTRUCTION OF NEW DWELLING TO THE REAR OF NO'S 7 & 8 HUNTING GATE (FURTHER REVISED SCHEME).  
7 HUNTING GATE, HEMEL HEMPSTEAD, HP2 6NX.  
APPLICANT: Mr Hopkins.**

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[Case Officer - Nigel Gibbs]

## Summary

The principle of residential development at the site is acceptable. The plot is commensurate with the established layout/ character of the area. It is of adequate size to accommodate the dwelling, with no design, layout, arboricultural, other environmental/ amenity and highway safety/ access/parking objections. The proposal conforms with the requirements of the NPPF and Policies of the Core Strategy and saved Policies of the Dacorum Borough Local Plan. A range of conditions are necessary.

## Background

The application was reported to the Development Control Committee meeting on 25 May 2017. The report is at Annex B.

The item was deferred to enable members to consider late submitted information. The Minutes are at Annex B.

Members were advised on the afternoon of the Development Control Committee by e mail that the plan subject to the Report is that below and not that in the Agenda which is a previous superseded plan :



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The Members were also sent neighbour representations to the previous schemes under this application. It will be noted that the Officer Report confirmed that under Representations in bold :

**'(Important Note: The Addendum will include representations received with respect to the previous applications) .'**

Background: Previous Schemes under this Application

Important Note: It will be noted that this is a 2015 application. This was submitted following the withdrawal of a previous 2015 application for a detached dwelling at the site dealt with by another case officer. The withdrawn scheme was unacceptable and would have been refused.

The originally submitted scheme under 4/03638/15/FUL was accompanied by a comprehensive supporting statement including a specialist tree report.

Since then in accordance with established Article 35 procedures there has been extensive LPA- Agent/ Applicant dialogue. This has involved a range of changes including modifications to the design, layout/ plot size (with changes to the sizes of gardens for the dwelling, nos 7 and 8), the approach to landscaping/ tree planting and access on an incremental basis.

There has been the associated need for the submission of a revised certificate and service of notice on an owner(s) of the land, a requirement to accurately show the correct footprint of no.7 and levels, and not least, the issue of geotechnical issues at the site. There has been where necessary associated reconsultation/consultation with technical consultees and additional neighbour notification.

Under Article 35 procedures it is now appropriate to report the application to the Development Control Committee. Earlier schemes remained problematical .The report focuses upon the

current scheme rather than superseded proposals as this is what the DCC should consider and upon which to make its decision.

## **Considerations**

These are as for the Original Report.

RECOMMENDATION - As previous report to Development Control Committee on 25 May 2017 and the conditions as set out in Annex B.

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## **ANNEX A: Minutes for the Development Control Committee dated 25 May 2017**

Councillor C Wyatt-Lowe declared an interest in this application as she had a conversation with residents at number 10. However, she did not express an opinion so reserved her right to speak and vote.

N Gibbs introduced the item and said it had been referred to the committee as it had been called in by Councillor Bhinder.

Members were concerned that they had not had enough time to properly consider the late additional information for this application.

It was proposed by Councillor Birnie and seconded by Councillor Tindal to defer the application.

### Vote

For: 10          Against: 0          Abstained: 1

### Resolved

That the application be **DEFERRED** to allow members to consider late submitted information.

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## **ANNEX B: The Report to the Development Control Committee : 25 May 2017**

### **Summary**

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### **Background: Previous Schemes under this Application**

Important Note: It will be noted that this is a 2015 application. This was submitted following the withdrawal of a previous 2015 application for a detached dwelling at the site dealt with by another case officer. The withdrawn scheme was unacceptable and would have been refused.

The originally submitted scheme under 4/03638/15/FUL was accompanied by a comprehensive supporting statement including a specialist tree report.

Since then in accordance with established Article 35 procedures there has been extensive LPA- Agent/ Applicant dialogue. This has involved a range of changes including modifications to the design, layout/ plot size (with changes to the sizes of gardens for the dwelling, nos 7 and 8), the approach to landscaping/ tree planting and access on an incremental basis.

There has been the associated need for the submission of a revised certificate and service of notice on an owner(s) of the land, a requirement to accurately show the correct footprint of no.7 and levels, and not least, the issue of geotechnical issues at the site. There has been where necessary associated reconsultation/consultation with technical consultees and additional neighbour notification.

Under Article 35 procedures it is now appropriate to report the application to the Development Control Committee. Earlier schemes remained problematical. The report focuses upon the current scheme rather than superseded proposals as this is what the DCC should consider and upon which to make its decision.

### **Site Description**

Hunting Gate is an established residential area linked to Aycliffe Drive which is Grovehill's main spine road.

Nos . 5, 6 7, and 8 are located on the southern side of Hunting Gate forming an enclave of two storey dwellinghouses served by a communal access opposite the local school.

Nos 7 and 8 are located on the western side of this enclave. These dwellings and their rear gardens are elevated above and adjoin the wooded subway/public footpath link serving the locality, with associated retaining walls/embankment and boundary fencing.

Nos 7 and 8 have both been extended. No.7 also features a detached outbuilding in its rear garden. It is understood that No. 7's original garden sloped/fell away from the rear of the house, this having now been raised. The trees forming part of the subway/footpath include an Oak, very large Larch and Willow, all of which are to be retained.

### **Proposal**

This involves amalgamating parts of the rear gardens of nos. 7 and 8 to form a house plot. The Applicant is the owner of no. 7 with notice served on no.8.

The scheme is for a two storey hipped roof detached 4 bedroom dwellinghouse incorporating a basement. It will be served by a new access off Hunting Gate linked to a driveway/turning area and 4 parking spaces. A sycamore tree is to be removed to enable the formation of the access.

The dwelling will be set back from the site's frontage incorporating front and rear gardens, with its western flank lying parallel with, close to and elevated above the subway/footpath embankment. Conifer trees are to be removed along the western boundary.

Nos 7 and 8 will be served by reduced rear gardens to accommodate the dwelling.

### **Referral to Committee**

The application is referred to Committee as it has been called in by Councillor Alexander Bhindafor the following reasons:

"I have met up with residents of Hunting Gate and I do feel that I should call in the above application. My reasons for doing so are as before." (*see representations below*). "I have concerns over the road, the school, increased traffic at peak times and I guess that generally, these would come under the heading of overcrowding. I am just one councillor who receives complaints about the congestion around schools and the confrontations it leads to. I feel that any development so close to a school entrance and especially in a narrow 'estate' road should be considered very carefully."

### **Relevant Planning History**

4/03638/15/FUL CONSTRUCTION OF NEW DWELLING TO THE REAR OF NO'S 7 & 8  
HUNTING GATE (FURTHER REVISED SCHEME)

4/01446/15/FUL CONSTRUCTION OF ONE NEW DWELLING BY REDUCING CURRENT  
GARDEN SIZE.  
Withdrawn  
30/06/2015

4/01648/07/FHA BOUNDARY FENCES  
Refused

31/08/2007

4/01365/07/DRC DETAILS OF REPLACEMENT TREE AS REQUIRED BY CONDITION 2  
OF PLANNING PERMISSION 4/02468/06 (TWO STOREY SIDE/REAR  
EXTENSION AND TWO STOREY EXTENSION)  
Granted  
01/08/2007

4/00610/07/DRC DETAILS OF REPLACEMENT TREE PLANTING REQUIRED BY  
CONDITION 5 OF PLANNING PERMISSION 4/02468/06 (TWO STOREY  
SIDE/REAR EXTENSION AND TWO STOREY EXTENSION)  
Refused  
12/06/2007

4/02468/06/FHA TWO STOREY SIDE/REAR EXTENSION AND TWO STOREY  
EXTENSION  
Granted  
19/02/2007

4/01055/06/FHA TWO STOREY SIDE AND REAR EXTENSION AND ATTACHED SINGLE  
STOREY EXTENSION INCORPORATING SWIMMING POOL  
Refused  
07/07/2006

4/00777/06/TPO FELL OAK TREE  
Granted  
31/05/2006

4/01530/95/4 SINGLE AND TWO STOREY EXTENSION  
Granted  
05/02/1996

Withdrawn Application 4/01446/15/FUL

The Agent's supporting statement for Application 4/03638/15/FUL notes the withdrawn application 4/01446/15/FUL drawing on the following conclusions :

- The house was redesigned during the application in order to maintain a more uniform design to the surrounding area.
- Despite the overall scheme falling within the criteria of daylighting under the BRE guidelines it was felt that the overall dimensions were detrimental to houses 7 and 8 Hunting Gate (the applicants).
- The overall concept of the house within the rear gardens was acceptable but we should look to reducing the overall scale of the project by moving the bulk of the first floor structure over the garage to the west of the site.

**Policies**

National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance

Dacorum Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS3 - Managing Selected Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS19 - Affordable Housing  
CS26 - Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Qua

Dacorum Borough Local Plan

Saved Policies 10, 12, 13, 51, 54, 58, 61, 62, 63, 99, 100 and 113  
Saved Appendices 3, 5 and 8

Supplementary Planning Guidance

Environmental Guidelines  
Development in Residential Areas: HCA 32: Grovehill  
Environmental Guidelines  
Accessibility Zones for the Application of Parking Standards  
Water Efficiency and Sustainable Drainage  
Advice Note on Achieving Sustainable Development through Sustainability Statements

**Constraints**

Residential Area in Hemel  
Air Direction Limit  
Tree Preservation Order  
Community Infrastructure Levy Zone 3

**Representations**

***(Please Note: For technical consultations a combination of those received for the Current Scheme and previous proposals are provided)***

Councillor Alexander Bhinda

Current Scheme

I have met up with residents of Hunting Gate and I do feel that I should call in the above application. My reasons for doing so are as before. I have concerns over the road, the school,

increased traffic at peak times and I guess that generally, these would come under the heading of overcrowding.

I am just one councillor who receives complaints about the congestion around schools and the confrontations it leads to. I feel that any development so close to a school entrance and especially in a narrow 'estate' road should be considered very carefully.

Earlier Scheme: 15/12/2015

Please note my reasons to request that this application be considered by the Development Control Committee:

Despite the reports from Hertfordshire Highways and Hertfordshire Fire & Rescue Service, I have concerns regarding parking and access at the top of Hunting Gate, especially at school opening and closing times.

As a local resident, I am more than aware of the difficult situation that occurs in and around Hunting Gate between 8:30 and 9:00 in the morning and 3:00 to 4:00 in the afternoon, between Monday and Friday. I have had reports of confrontations between parents collecting their children and residents, abuse and even fights. I feel that any change to the top end of Hunting Gate will only exacerbate the situation.

Please be aware that we are already dealing with a recent incident in Grovehill which involved residents of one nearby road telling an ambulance crew that they will have to "go the other way 'round" as they were attending an emergency call and were unable to access the address in question due to residents' parked cars.

There are concerns regarding some of the technical aspects of this application. My understanding is that a basement is being proposed. I have as yet, not seen any soil mechanics analysis, geo-physics data or similar. It was not too long ago that we witnessed the sink hole on Wood Lane End, only about 2km away. I feel that I as well as residents will need considerable reassurance for basement construction to be seriously considered.

I have not been made aware of any safeguards that will be put in place during the construction, so as to protect pedestrians using the subway.

Following on from the above point 3 (sic) , I am again questioning the absence of any geo-physics data pertaining to a boundary wall.

#### Building Control

Based upon the advice at the site meeting involving the Building Control Officer, Trees & Woodlands Manager, Agent and Case Officer there are no fundamental objections taking into account access for fire and the expected approach to construction with the formation of a basement.

#### Trees and Woodlands

Based upon the advice at the above site meeting there are no objections.

#### Noise & Pollution

No objections or comments and would not wish to impose any conditions on this development.

#### Scientific Officer



No comments to make in respect of contamination.

### Hertfordshire County Council: Highways

#### Decision

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:

#### Conditions

- 1) Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. Reason: In the interest of highway safety.
- 2) Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossover, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway. Reason: In the interest of highway safety.
- 3) The proposed parking spaces shall all have measurements of at least 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose. Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.
- 4) The development shall not begin until details of the disposal of surface water from the parking area have been submitted and approved in writing by the Local Planning Authority. Reason: To minimise danger, obstruction and inconvenience to highway users.
- 5) All areas for 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.
- 6) Prior to commencement of development full details of the construction of (ANY) retaining wall associated with construction of the dwelling, including any necessary Approval In Principle certification issued in accordance with the requirements of the Department for Transport's DMRB Standard BD 2/12: Technical Approval of Highway Structures, shall be submitted to and approved in writing by the local authority. Reason: In the interests of public safety to ensure that construction of the development hereby permitted does not affect the stability of the public highway and in particular the adjacent subway.

#### Advisory Notes

- 1) Highway structural considerations. The applicant is advised that in order to comply with Condition 6 of this response it will be necessary for the developer of the site to contact the Hertfordshire County Council Bridge Asset Manager in connection with the requirements of Department for Transport Standard BD 2/12: Technical Approval of Highway Structures. Further details can be obtained from the Highway Authority. The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-
- 2) The highway authority requires the new vehicle cross-over to be aligned to serve the new access drive. All works must be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact <http://www.hertfordshire.gov.uk/services/transtreets/highways> or telephone 0300 1234047 for further instruction.
- 3) The developer will supply the LPA a written Construction Management Plan for approval. The plan will detail how deliveries associated with the works, contractors parking and the prevention of mud etc. from being deposited onto the highway is managed and documented as a process to follow. The CMP will also state hours/ days of work and agree routing for large vehicles including plant.
- 4) Storage of materials: The applicant is advised that the storage of materials associated with

the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

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

5) 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.

6) 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.

7) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways> or by telephoning 0300 1234047.

8) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways> / or by telephoning 0300 1234047

9) The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

#### Highway Comment

This application is to develop the parcel of land to the rear of both 7 and 8 Hunting Gate, Grovehill, Hemel Hempstead. This application is for one detached dwelling with three off street parking spaces. Access to the proposed site is again shown to be off Hunting Gate. This will be

for both vehicular and pedestrian and takes the form of a simple vehicle crossover. There are some minor highway concerns over the lack of detail on construction methods and how this development will impact on the adjacent highway during the development. This is particular so of the adjacent subway. However, if the LPA are minded to grant planning permission they should give due consideration to all the conditions above and in particular condition 6 which concerns the adjacent subway.

The Design and Access statement does not have a dedicated section covering Construction Methodology but the third informative note (3) above looks at this important matter and asks that the applicant supply such information in more detail to the LPA.

The above conditions and informatives are therefore required to make sure that this development is achieved with as little if any disruption or obstruction of the public highway as far as reasonably practical.

#### Hertfordshire Ecology

HE has no ecological information on the application site although bats have been recorded in the general area. However, HE has no reason to believe the proposals will impact upon any significant ecological interest. It is noted that a large sycamore will be 'replaced' by an oak tree – this will provide some compensation in the longer term if successful and hopefully contribute to a north-south link through the site.

Consequently HE does not consider ecology will provide a constraint on the proposals or amendments to it.

The adjacent tree line to the south should, however, be protected from any adverse impacts given it provides a locally valuable wildlife habitat and corridor.

#### Hertfordshire Constabulary: Secure By Design

Physical Security – ADQ and SBD:

Building Regulation, Approved Document Q (ADQ) requires that dwellings are built to "Prevent Unauthorised Access". This applies to any "dwelling and any part of a building from which access can be gained to a flat within the building". Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. Further details are available from Hertfordshire Police Crime Prevention Design Advisors. HC would obviously be keen to see any development built to the physical security standards of Secured by Design which is the police approved minimum security standard, as this will reduce the potential for burglary by 50% to 75% and therefore demand on the Police as well as achieving ADQ.

Otherwise HC is content.

#### Hertfordshire Fire & Rescue Service

HFRS has examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

Further comments will be made when HFRS receive details of the Building Regulations application.

#### Thames Water

##### *Waste Comments*

Surface Water Drainage. It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into

the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Sewerage infrastructure capacity. No objection.

*Water supply.*

This is within the area covered by the Affinity Water Company.

Affinity Water

No responses.

NATS Air Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains the LPA's responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Response to Neighbour Notification

**(Important Note: The Addendum will include representations received with respect to the previous applications)**

9 Hunting Gate

However many times these plans are amended our opposition remains the same, as nothing but a refusal will stop our concerns about the traffic situation.

This will be our third time of objecting and no matter how many times these plans are revised ,it doesn't help with our main problem of the traffic that use Hunting Gate as access to Aycliffe Drive school. Where the proposed dropped kerb for this property is means that staff etc. that park on this stretch of road will be forced further down Hunting Gate causing more congestion and parking on people's property than we experience now Also another concern is the proposed basement ,the property will be adjacent to a subway used but the school children and has a retaining wall and any disturbance could render this unsafe. So as stated we strongly object to these plans.

Resident of Hunting Gate

Again I write to you regarding planning number above.

I have lost count of how many times there has been an amendment to the scheme, surely common sense must be used here! Our road, will not take any more congestion, it will not take another entrance, it will not take spaces being taken away! Children's lives will be put at risk and there will be even more issues between members of the public and residents

This scheme is utter madness, this needs to be concluded and not passed, letting the mostly retired people of Hunting Gate get on with their lives and not have this hanging over them.

Note: The writer was very recently spoken to very aggressively when someone parked across writer's drive way and the writer politely asked them to move.

### 73 Hunting Gate

I did submit a comment when the first application for this infill project was submitted , although I did not receive any acknowledgement.

My main objection is in keeping with other residents of Hunting Gate and that is regarding the impact on existing traffic control matters.

Like most properties located near a school we must suffer the regular problems in the road during the daily School Run periods. This is particularly difficult due to Hunting Gate being a no through road. In Addition, it is apparent that due to the limited parking available within the School grounds, members of staff are increasingly having to park in the road. This development access provision will further limit available room in the road.

It is noticed that the latest plan reduces the footprint of the proposed structure and increases the remaining space for 7 Hunting Gate. The plan now showing the provision of a basement. Is the clay substrate suitable for a basement?

When I purchased 73 Hunting Gate in 1978, there was a delay because the Councils Building Inspectors insisted that the footing be doubled to compensate for unstable clay surface resulting in a slight delay with construction. During the 1990s our neighbours in 74 Hunting Gate suffered subsidence of two extensions erected by the previous tenants. Rebuilding required increased footings for one extension and even piles inserted to support the other.

I am not a Structural Engineer, but I would suggest that matters I have outlined should be considered before granting planning that includes a basement on the site adjacent to number 7/8 Hunting Gate.

### **Considerations**

The main issues are:

- The principle,
- The layout/design,
- Highway/access issues, and
- Land stability.

### Policy and Principle

The site is located within the urban area of Hemel Hempstead wherein the principle of residential development is acceptable.

As confirmed above before the previous application's withdrawal the principle of

accommodating a dwelling at the site was assessed as acceptable despite the expectations of Policy Statement for HCA32 (see below). This principle support is therefore the fundamental starting point.

For clarification the Policy Statement for HCA32 addressing the Scope for Residential Development specifies that this is an Opportunity Area. This is where there is scope for new development with the focus upon maintaining the defined character whilst allowing for selective redevelopment. Notwithstanding this it explains that Plot Amalgamation will not normally be permitted in HCA32 clarifying that opportunities are very limited and possibly non-existent.

### HCA 32's Development Principles

These are:

#### • Housing

*Design:* No special requirements, although where infilling is proposed, new buildings must follow the architectural proportions, style, colour and details of adjacent development.

*Type:* Terraced dwellings are encouraged, but new development should respect the form, scale and type of adjacent and nearby buildings.

*Height:* Should not normally exceed two storeys, although three storey development may be acceptable in some parts, depending on the scale and height of nearby and adjacent development.

*Size:* Small to moderately sized dwellings are encouraged.

*Layout:* Maintain existing layout structure. Informal groupings of buildings are acceptable, although where there is a prevalent building line, this should be followed. Spacing should be provided in the medium range (2 m to 5 m). Proposals for redevelopment should include provision of a structured element of amenity land.

*Density:* High density development in the range of 35 to 50 dwellings/ha (net) is generally acceptable, although the density of development schemes should be commensurate with that of nearby and adjacent development.

#### • Amenity

*Amenity land:* To be retained. The loss of areas of amenity land to built development or their inclusion within private domestic curtilages will only be permitted where it can be clearly demonstrated that the proposal will not result in the loss of large areas of amenity land or smaller areas making a positive contribution to the character and appearance of the area and its amenities.

*Front gardens and forecourts:* Front garden areas should be provided at a size, depth and layout common to that of nearby and adjacent development.

*Landscaping and planting:* New development schemes will be expected to include provision for additional structural landscaping.

*Views and vistas:* Public views across Margaret Lloyd Park and Howe Grove should be maintained.

*Landmarks and focal points:* The local centre at Henry Wells Square is to be Retained

#### • Traffic

*On-street parking:* No special requirements, although adequate provision for offstreet parking should be made.

*Off-street parking:* May be provided by either on-site spaces, in communal areas or garage

blocks.

*Through routes and flows:* Traffic flows should be directed to the area's distributor roads - Aycliffe Drive, Washington Avenue and St Agnells Lane.

#### Site Layout/ Plot Arrangement

As confirmed despite the withdrawal of the previous application the principle of accommodating a dwelling at the site was acceptable. This was with due regard to the site's relationship with the long established layout emphasising the need for the maintenance of a 2-5m separation to accord with the Grovehill HCA with at least 11.5m from the building line of no.7.

The layout will provide a substantial rear garden for the proposed dwelling with truncated usable retained rear gardens for nos 7 and 8, albeit slightly less than the expected 11.5 minimum depth. There would not be a case to refuse the application based upon the reduced depths. There remains adequate spacing- the relationship would not be cramped.

#### Design/ Impact upon the Street Scene/ Landscaping

The building will have very limited impact upon the Hunting Gate street scene. This is due to its significantly recessed position. However due to the building's massing / height, closeness to and elevated position in relation to the subway there will be visual intrusion. This intrusion is not ideal as compared to the effect of a lower profile building.

Based upon the site meeting involving the Building Control Officer, the Trees & Woodlands Manager and the Case Officer, the TWM raises no objections to the loss of the trees and proposal's relationship with the retained trees. This includes the continued coexistence of the site with the Oak, very high Larch and Willow along the western boundary adjoining the subway footpath. A planting scheme is recommended to compensate and to replace the preserved tree previously approved for removal and yet to be planted.

#### Impact upon Residential Amenity

This is in the context of Dacorum Core Strategy Policy CS12 and the NPPF's paragraph 133.

The withdrawn application was unacceptable due to the harmful implications for nos 7 and 8.

There is adequate separation between the dwelling with nos 7 and 8 in terms of physical impact, the receipt of day/ sunlight, privacy and the size of the retained gardens for nos 7 and 8.

There will be no harm to any other nearby dwellinghouses.

#### Highway Safety (Vehicle/ Pedestrian), Traffic Generation, Access and Parking

There are no objections. This is with due regard to the advice Hertfordshire County Council Highways, Building Control and Hertfordshire Fire & Rescue Service.

The provision of the new access onto Hunting Gate is acceptable based upon HCC Highways expert response. This takes into account its relationship with the subway, existing accesses on Hunting Gate and to the School opposite. The updated plans show the reversing splays on both sides with the need for the permanent removal of boundary fencing and the walls. This change has not been subject to public consultation. There are no HCC Highway objections based upon traffic generation with the parking/ turning layout enabling exit and entry in forward gear with acceptable sight lines. The provision of 4 parking spaces is acceptable.

Hertfordshire Fire & Rescue Service and Building Control are satisfied with the fire access. The design approach focussed upon a disabled /inclusive approach. Parking is accommodated

with full opportunities for refuse storage.

Relationship with the Subway: Geotechnical Issues / Land Stability. See below.

#### Land Stability, Contamination and Drainage

Land Stability. This is a very significant issue. Safety is paramount in the public interest. The associated issues include reference to the site's relationship with the lower subway and its retaining walls/associated drainage, no knowledge of the prevailing geotechnical relationship between the site and the immediate area or its past (including original/new levels/loading etc), no submitted assessment of the impact of the development with reference to 'original and new' geotechnical conditions including levels and 'original/new geology/soil mechanics, the reported artificial raising of the land within the garden of no.7 with new material, the knowledge of subsidence in the locality, the effects of removal of trees at the site, the formation of the basement, the need to address drainage (soakaways etc) and fundamentally HCC Highway's expert advice regarding this key issue.

A detailed geotechnical assessment at this stage would be ideal to fully understand the implications. The Agent has confirmed orally that there would significant cost implications at this stage for the LPA to require such a study. In the absence of the study the imposition of a pre commencement condition is an agreed safe alternative. The submitted technical report would have to prove unequivocally that there are no known inbuilt geotechnical problems now and in the future in constructing the development with a comprehensive geotechnical engineering method statement.

As confirmed by the NPPF the onus is with the Developer to address land stability. The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Drainage. Both foul and sustainable surface water drainage should be subject to a condition.

Contamination. Clarification is being sought from the Scientific Officer regarding any implications of the raising of the garden land levels at the site.

#### Ecological Implications/ Biodiversity

The loss of trees is disappointing but not objected to by the Trees & Woodlands Manager. New planting will provide biodiversity benefits.

#### Crime Prevention/ Security

The layout features inbuilt natural surveillance. The rear fencing will be important given it adjoins open land.

#### Exterior Lighting/ Light Pollution/ Visual Impact at Night

A condition is recommended given the relative closeness to the adjoining houses and the need to safeguard highway safety.

#### Sustainable Construction

The initial submitted supporting statement confirms the overall approach:

- Creating a sealed building through robust details and whole building air supply system with heat exchanger to avoid unnecessary heat loss. Through the New Build Warranty, the building will be pressure tested on completion to ensure the goals set have been achieved



and that the lifetime carbon footprint is radically reduced.

- All elements of the building shell will benefit high levels of insulation. The building perimeter/area has been improved by creating a deeper cross section. The resulting internal circulation spaces have been further improved by naturally lighting these areas through sky lights to avoid overuse of 'travel lighting'.
- The client and the proposed contractor are keen to exploit the rich availability of local materials in realizing this project thus reducing the Carbon Footprint of the building construction.
- Orientation of the building and location of living areas, maintains a high level of glazing onto the southern side and very little to the North thus maximizing natural light and winter heat gains whilst avoiding unnecessary heat loss.

#### Environmental Impact Assessment

This is not necessary.

#### Air Safeguarding

NATS raises no objections.

#### Community Infrastructure Levy

There is a required payment.

### **Conclusions**

The site's development was locally controversial with the withdrawal of the first application, a position reinforced by recent consultations with major concerns locally regarding highway safety. At the outset of the withdrawn application however, there were no highway objections to the provision of an access to serve the plot nor to the principle of the land's development.

The LPA's approach to the withdrawn application formed the basis of the Agent resubmitting an application for a dwelling at the site.

A smaller scale development would have reduced the observed visual intrusion and have less effect upon the residential amenity of nos 7 and 8. However based upon its individual merits there are no objections to the current application with due weight to the responses of the technical consultees. Most fundamentally this is subject to the need for the submission of a full geotechnical report through the imposition of a condition

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 details of the materials to be used in the**

**construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: In the interests of safeguarding the street scene in accordance with Policy CS12 of Dacorum Core Strategy.

- 3 Before the first occupation of the dwelling house hereby permitted the 4 parking spaces and turning area shown by the approved layout Drawing No. 1122SK101G shall be provided fully in accordance with this layout plan. Thereafter all 4 spaces shall be retained at all times and shall be only used for their respective approved vehicular parking and turning purposes.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking and turning in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy and Policies 54, 58 and 63 of the saved Dacorum Borough Local Plan.

- 4 The dwelling house hereby permitted shall not be brought into use until the vehicular access shown by Drawing No. 1122SK101G has been constructed. The access shall be provided at all times with pedestrian visibility splays of 2m by 2m at each side as measured from the back edge of the public footpath within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of Dacorum Core Strategy and Policy 54 of the saved Dacorum Borough Local Plan.

- 5 The access subject to Condition 4 shall be provided at all times with vehicular visibility splays of 2.4m x 43m in both directions from the access, as measured from the edge of the carriageway towards the site frontage. Within both visibility splays there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of Dacorum Core Strategy and Policy 54 of the saved Dacorum Borough Local Plan.

- 6 Prior to commencement of development hereby permitted a full geotechnical study shall be submitted to the local planning and highway authorities showing the following:**

**(a) Geotechnical survey/ land stability/ study of the site, nos 7 and 8 Hunting Gate and the adjoining land including that associated with the subway footpath, This shall show the natural geology and drainage, any artificial changes resulting from the residential development in the locality and material used for changes to the original garden, artificial drainage, water supply features and an assessment of any land stability at the site and the adjoining area and the implications of any previous remedial works.**

**(b) The implications of the approved removal of trees and those previously removed at the site and how the retained trees will be protected during the construction period.**

**(c) A comprehensive construction/ engineering method statement with reference to loadings, foundation design, levels, boundary treatment, any necessary remedial works, the basement, the site geology, existing/ removed/**

proposed trees, natural and proposed drainage, all other services, the relationship with the embankment/ footpath, road and with nos 7 and 8 Hunting Gate and the effects of any additional future development carried out at nos 7 and 8 and the application site under 'permitted development'. The approach shall confirm how the development will be designed to address any existing and envisaged future land stability issues at the site and within the locality.

**The development shall be carried fully in accordance with the approved construction/ engineering method statement.**

Reason: In the interests of public safety in accordance with the National Planning Policy Framework paragraphs, taking into account issues of land stability including the closeness of the public highway and in particular the adjacent subway.

- 7 In association with the requirements of Condition 6 no development shall commence until details of the proposed slab, finished floor and ridge levels (with full cross sections) of the dwelling house in relation to the existing and proposed levels of the site and the surrounding land (including the embankment and subway and the retained gardens of nos 7 and 8 Hunting Gate) shall have been submitted to and approved in writing by the local planning authority. The dwelling house shall be constructed in accordance with the approved levels.**

Reason: In the interests of the appearance of the development in relation to its surroundings, the residential amenity of the locality and public safety as referred to by Condition 6.

- 8 The dwelling house hereby permitted shall not be occupied until the boundary fencing separating its garden from the surrounding area, including the retained gardens of nos 7 and 8 Hunting Gate, is installed fully in accordance with an approved scheme. Thereafter the boundary fencing shall be retained at all times.**

Reason: In the interests of the residential amenity of nos 7 and 8 Hunting Gate and the dwelling house hereby permitted in accordance with Policy CS12 of Dacorum Core Strategy.

- 9 Trees shall be planted in accordance with an approved landscaping scheme within the rear garden of the dwelling house hereby permitted within the planting season following the first occupation of the dwelling house hereby permitted. If the trees within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a section of equivalent hedge or shrub of a species, size and maturity to be approved by the local planning authority. For the purposes of this condition the planting season is from 1 October to 31 March.**

Reason: In the interests of the visual amenity and biodiversity in accordance with Policies CS12 and CS29 of Dacorum Core Strategy.

- 10 Prior to the commencement of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with the expectations of Condition 6 and the aims of Policies CS12 and CS31 of the Dacorum Core Strategy and to protect groundwater to

accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 11 **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 within the residential curtilage of the dwelling house hereby permitted and the existing dwellinghouses at nos 7 and 8 Hunting Gate :**

**Schedule 2 Part 1 Classes A, B, C and E**

Reason To enable the local planning authority to retain control over the development in the interests of safeguarding the residential environment, public safety in terms of land stability and ensuring that there is the correct balance between the amount of development and land retained for the gardens at nos 7 and 8 Hunting Gate in accordance with Dacorum Core Strategy Policy CBS 12 , saved Appendix 3 of the Dacorum Borough Local Plan.

- 12 **Before the occupation of the dwelling house hereby permitted an exterior lighting scheme shall be submitted to the local planning authority. The approved exterior lighting scheme shall be installed and thereafter retained and maintained fully in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: To safeguard the local environment in accordance with accord with the requirements of Policies CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 13 **No development hereby permitted shall commence until the following are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:**

- **Details of wheel cleaning facilities for construction vehicles to prevent mud etc from being deposited onto the highway.**
- **The management of all deliveries to the site.**
- **Construction Traffic Management Plan and Access Route (s) including the routing for large vehicles including plant.**
- **A scheme for Contractors parking.**

**The scheme shall be implemented throughout the construction period in accordance with the approved details.**

Reason: In the interests of highway safety and residential amenity in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

- 14 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plan:**

**1122SK101G**

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

## NOTE 1: ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## INFORMATIVES

### Bats

With reference to the removal of trees and demolition of the outbuilding:

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

### *Contacts:*

English Nature	01206 796666
UK Bat Helpline	0845 1300 228 ( <a href="http://www.bats.org.uk">www.bats.org.uk</a> )
Herts & Middlesex Bat Group	01992 581442

### Drainage

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

### Water Supply

Affinity Water Company at The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333 should be consulted by the Developer.

### Construction Management Plan

Hertfordshire County Council Highways has advised that all areas for storage and delivery of materials associated with the construction of this development should 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. This is in the interest of highway safety and free and safe flow of traffic.

The developer will supply the LPA a written Construction Management Plan for

approval. The plan will detail how deliveries associated with the works, contractors parking and the prevention of mud etc from being deposited onto the highway is managed and documented as a process to follow. The CMP will also state hours/ days of work and agree routing for large vehicles including plant. Storage of materials

#### Land Stability and Highway Safety

Hertfordshire County Council Highways has advised that prior to the commencement of development full details of the construction of any retaining wall associated with construction of the dwelling, including any necessary Approval In Principle certification issued in accordance with the requirements of the Department for Transport's DMRB Standard BD 2/12: Technical Approval of Highway Structures, must be submitted to and approved in writing by the local authority. This is in the interests of public safety to ensure that construction of the development hereby permitted does not affect the stability of the public highway and in particular the adjacent subway.

Highway structural considerations. The applicant is advised that in order to comply with above requirements it will be necessary for the developer of the site to contact the Hertfordshire County Council Bridge Asset Manager in connection with the requirements of Department for Transport Standard BD 2/12: Technical Approval of Highway Structures. Further details can be obtained from the Highway Authority at County Hall, Pegs Lane, Hertford, Herts, SG13 8DN (Telephone: 0300 1234047).

#### Provision of the Vehicular Crossover

Hertfordshire Highways as the Highway Authority requires the new vehicle cross-over to be aligned to serve the new access drive. All works must be carried out by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction.

#### Storage of materials

Hertfordshire Highways as the Highway Authority has advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Obstruction of the highway

Hertfordshire County Council has advised that 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047. Mud on highway

#### Road Deposits

Hertfordshire County Council has advised that 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047. New or amended crossover – construction standards

#### Construction standards for the new vehicle access

Hertfordshire County Council Highways has advised that where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Construction standards for works within the highway

Hertfordshire County Council Highways has confirmed that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047

#### Rights of Way

Hertfordshire County Council has advised that the Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times.

The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

#### Secure By Design

Hertfordshire Constabulary recommends that the developer seeks Secured by Design certification to this standard when the dwelling house is built.