

**4/00224/12/FUL - DEMOLITION OF GARAGE, SWIMMING POOL AND EXTENSION.
REFURBISHMENT OF EXISTING DWELLING TO FORM TWO DWELLINGS AND
CONSTRUCTION OF 4 NEW DWELLINGS..
THE PINES, NORTH ROAD, BERKHAMSTED, HP4 3DX.
APPLICANT: CHIPPERFIELD LAND COMPANY.**

[Case Officer - Richard Butler]

[Grid Ref - SP 98559 07539]

Summary

The application is recommended for approval. The development of the application site including the addition of dwellings within the spacious plot is acceptable in principle. The existing building, The Pines, and the spacious, green plot in which it sits has been identified as a Heritage Asset as defined within the NPPF and therefore any development of the site must pay due regard to such features. The proposed development has now achieved an acceptable proposal which respects the visual amenity and character of the conservation area and surrounding development and is considered to be in accordance with Policies 11, 120 of the DBLP and CS11, 12, 13 and 27 of the PCS.

Site Description

The Pines, North Road, Berkhamsted comprises a site of 0.4 hectares and contains a large detached dwelling which is positioned diagonally between the centre and south west of the site; the site is located at the southern end of North Road. The house comprises a circa 1930s two storey brick built dwelling, Arts and Crafts in style, with tiled hipped roof and feature front gable and hipped projections. There is tile hanging to the first floor level to the rear and part of the front elevation and feature brickwork chimneys.

There is an existing attached single garage on the north east side of the house and a single storey extension on the south west side containing an indoor swimming pool. To the north west of the site there is a tennis court with an adjacent detached double garage. The site access is from North Road via a gated entrance and section of road which is shared with Pine Close. There is a circular driveway to the front of the house. The remaining site area comprises partly landscaped garden with paths, patio, grassed and planted areas.

The site slopes down from west to east with a level change of 4 metres and is fully enclosed with fencing and hedging. There are a number of trees on the site including Pine, Beech, Ash and Cherry six of which are now protected by a Tree Preservation Order.

To the west of the site is a detached dwelling, 17 Anglefield Road situated close to the boundary. To the south the ground level is substantially lower, neighbouring properties are remote from the boundary and comprise blocks of flats, Chartwell House, Marlborough House and blocks in Champions Court. To the south east lies Pine Close, set lower than The Pines adjacent to the tennis court, which is bounded by a retaining wall and open mesh fence. To the north east is the access to Pine Close and beyond, No. 22 North Road, a detached house. To the north is the site entrance from North Road and No. 21 North Road, a detached house.

Proposal

The application seeks planning permission for the construction of two detached dwellings (plots 1 and 6), the conversion of The Pines (existing building) into two residential units

(plots 2 and 3) and the construction of two apartments within a detached building (plots 4 and 5) and associated gardens, service roads and amenity areas, accessed via the southern end of North Road Berkhamsted. The development includes the demolition of the existing garage, swimming pool extension and extension to the existing building.

The fundamental changes to the proposed scheme from the previous are as follows:

The Site Layout

Plot 1 - The position of the building and the outbuilding are unchanged from the previous scheme. The existing hedge to the southerly side of the tennis court now forms the southerly boundary of the plot. A detached garage and cycle store are set behind the front building line between the house and hedge. Two further parking spaces are provided.

Former Plot 2 – The detached dwelling between plot 1 and the existing building of The Pines has been removed. Creating greater space between the buildings on this part of the site, enhancing the openness of the development.

Plots 2 -5 - The scheme is unchanged with regard to the designs for the conversion of The Pines to 2 dwellings (Plots 2 & 3) and the adjacent flats, Plots 4 & 5.

Plot 6 - This has been retained following the latest appeal decision where the design and position of this plot was considered acceptable by the inspector. The inspector stated 'a balance between using the site efficiently and respecting the character of the site would be achieved'. The garage has been detached and set back to a less prominent position between the house and the boundary hedge/fence. Two additional parking spaces are provided.

The treatment to the Pine Close boundary has been softened by the inclusion of a hedge to compliment the retained and repaired wall.

Design

Designs for plots 2 – 5, which have been previously supported by the planning department and reinforced by planning inspectors are unchanged.

The detailing of the designs for Plots 1 & 6 are amended as follows:

The pebble-dashed rendered areas are deeper than those shown on the previous designs. Brick quoins previously incorporated are now removed. Windows set within brick elevations now incorporate swept, splayed and rubbed brick arches.

Windows

The areas of glazing are adjusted to provide more vertical proportions.
Transom & mullion details are incorporated.
The overall proportions of the windows are adjusted.

Porches

Eaves details revised to suit the local vernacular...
The design has been enhanced to provide a greater form of enclosure.

The dormer window to the southerly elevation of Plot 6 is re-positioned.

Referral to Committee

The application is referred to the Development Control Committee due to contrary views of Berkhamsted Town Council and the detailed history and public interest in the application.

Planning History

4/00467/11/FUL - Demolition of garage, swimming pool and extension, refurbishment of existing dwelling to form two dwellings and construction of five new dwellings - Refused - Appeal Dismissed.

4/458/10/FUL - Demolition of garage, swimming pool and extension, refurbishment of existing house to form two dwellings and construction of five new dwellings - Refused – Appeal dismissed

4/0957/09FUL - Demolition of garage, swimming pool and extension, refurbishment of existing house to form two dwellings and construction of six new dwellings - Refused – Appeal dismissed

4/0178/07/MFA - Demolition of existing house and construction of twelve houses and access road - Refused - Appeal dismissed - appeal decision quashed - re-consideration of appeal dismissed.

4/00958/06 Two detached dwellings and alterations to existing dwelling (Amended scheme) - Refused 8 June 2006

4/00020/06 Two detached dwellings and alterations to existing dwelling - Refused 2 March 2006

4/01826/01 Works to trees - No objections.

4/1027/80 Use of existing access to serve The Pines and 3 new houses - Granted.

4/1188/79 Adjacent to The Pines Access to proposed development: 3 houses - Refused.

4/0578/79 The Pines Three houses and access road - Granted

4/0271/79 Land rear of The Pines and North Road. Outline for 3 detached houses and double garages - Granted

4/0085/78 Extension to garage, Erection of squash courts, billiards room, social area, ancillary

accommodation and bar with housekeepers flat over - Granted

4/0084/78 Loft conversion and single storey extension - Granted

4/0810/74 Single storey extension - Granted

Summary of Recent Planning History

Application 4/467/11/FUL (refurbishment of existing dwelling to form two dwellings and construction of five new dwellings) was refused and subsequently appealed. The appeal was dismissed with the decision issued on 6th February 2012.

The Inspector made comparisons to the previous appeal proposal noting the following:

Para 9. "In this present appeal (Scheme 4) an attempt has been made to address the concerns raised by the previous Inspector in respect of Scheme 3. Those concerns relate specifically to plots 1 & 2, concluding that *"The spacing between the buildings on Plots 1 & 2 would result in a finer grain of development than the immediately adjacent houses within the Conservation Area at the southern end of North Road. The quantum of development represented by the two houses, the garages, outbuildings and associated hard standing, in combination with their proximity to the existing house, would unduly urbanise the site. As a consequence, the spacious landscape garden setting of the house would be eroded to an unacceptable degree"*.

Recognising the amendments made to the appeal scheme from the previous appeal and assessing the result of these the inspector noted:

Para 11. "The proposals in Scheme 4 omit the garages on plots 1 & 2 whilst the dwelling on plot 2 has a narrower footprint and has been slightly re-orientated and pushed back into the site; the garage for the house on plot 7 has been deleted and the rear projection reduced in height and length, and the amount of hard standing has been reduced, particularly the parking areas for plots 1 & 2. So far as plots 1 & 2 are concerned, these revisions provide some amelioration but do not address the underlying concern of the previous Inspector concerning the urbanisation of the site, and the impact on the spacious landscape garden setting of the house."

Para 13. "However, the relationship between the dwellings on Plots 1 and 2, and between the latter and the existing house are a matter of concern. Simply removing the garages and making small amendments to the position of the dwelling on Plot 2 does not alter those fundamental relationships. This is because the garages would be set back from the frontage and so would be recessive in the landscape setting. Looking at the frontage itself, the distances between the three main buildings would unduly urbanise the site and as a result, the landscaped garden setting of the existing house would be eroded unacceptably."

Para 14. "Turning to Plot 7, Scheme 3 replaced the semi-detached pair of dwellings with a single detached unit on Plot 7. This resulted in the previous Inspector indicating that the amendments *"...further improved the balance between open space and built development..."* This is undoubtedly the case and, additionally the dwelling is located further from the north-eastern boundary leading to a better relationship to the rear garden and side elevation of neighbouring No.21 North Street. As a consequence, a balance between using the site efficiently and respecting the character of the site would be achieved."

Para 15. "Notwithstanding this, for the reasons given in relation to Plots 1 and 2, the proposals would not preserve or enhance the character or appearance of the Berkhamsted Conservation Area as required by Dacorum Borough Local Plan Policy 120. The revised proposals, by their very nature, have a fundamental impact on the arrangements for car parking. I shall address these in consideration of the second main issue."

With regards to design the Inspector has singled out the impact of providing two detached units to the east side of the site as failing to preserve or enhance the character or appearance of the conservation area. However, it is noted that the Inspector regards the proposed detached unit to the west side of the site as being acceptable.

The appeal also upheld the reasons of refusal relating to parking, this shall be discussed later in the report.

Policies

National Policy Guidance

National Planning Policy Framework

Dacorum Borough Local Plan

Policies 1, 9, 11, 13, 58, and 120

Appendices 1, 3 and 5

Supplementary Planning Guidance

Environmental Guidelines

Conservation Area Character Appraisal for Berkhamsted

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Pre-Submission Core Strategy

CS4, CS11, CS12, CS13 and CS27

Representations

Berkhamsted Town Council

Berkhamsted Town Council

The Chair was taken by the Vice Chairman for this application's consideration in view of the Chairman's declaration of prejudicial interest. It was resolved to suspend Standing Orders to allow members of the public to speak.

Dr Handy explained that this was the sixth application for this site, excluding amendments, five of which had been dismissed on Appeal on the grounds, broadly, of overdevelopment and harm to the conservation area. He presented an exposition of the immediately previous two applications, showing how the present application had emerged. Parking standards had now been met and open areas within the site achieved. He declined to give any specific comments on the present application. He left the room at 7.39 p.m.

*The Committee reconvened in order that the Vice Chairman could explain procedures. It was then **resolved** to suspend Standing Orders to allow members of the public to speak.*

Two residents of Pine Close objected to the application on the grounds that plot no. 1 was positioned too near to their access road; that there were no internal boundary lines for the proposed houses; and that there were no plans outlined for the maintenance of the common areas. The need to preserve the Arcadian nature of the site and the design to be in keeping with the conservation area was paramount.

The Committee reconvened.

Object.

The presented scheme did not meet the standards which the site merited in terms of layout, parking arrangements and landscaping. The location of the dwelling on plot 1 created a cramped appearance and an unbalanced site.

The shared parking for plots 2/3 and 4/5 as presently sited detracted from the

Arcadian setting. The parking provision could now be rearranged as could the visitors' bay.

The absence of a detailed landscaping plan and inaccurate detailing of existing/proposed hedging between the communal car parking and plot no. 6 required addressing.

Taken from the entrance to the site, too much hard standing for communal parking, destroying the verdant character. The hard standing could now be accommodated in a less obtrusive position.

The location of the bin storage area was contrary to the Arcadian principle, which should govern layout on this site. The proposed arrangement did not meet the required standards in the Manual for Streets.

The absence of clearly defined plot boundaries and future maintenance arrangements was unacceptable.

Contrary to LPP 11 & 120; and Appendices 3 & 5.

Conservation and Design

Following the submission of this amendment, I confirm that this fits with the grain of the site within the conservation area much better and conforms in my view to comments set out by the Planning Inspectorate.

Layout:

There is an issue over the garden size to plots 2 and 3, and the possible future intention for that area. Given the size of plot 1, I would have thought that a more generous size garden plot could have been provided for this unit since this plot appears somewhat cramped.

I am still somewhat concerned at the location of the bin collection area and consider that this would be better placed nearer the entrance to the site.

House Types:

These have been much improved. I only have one small suggestion regarding plot 6, could the dormer be changed to a pair of casement windows which would be more in keeping with the local vernacular?

Conditions:

•All materials

- Detailed drawings of all joinery, scaled drawings 1:10 of all joinery, sections of mouldings and glazing bars, method of opening
- Detailed drawings of Window heads and cills
- Brick bond to be Flemish bond unless otherwise agreed; sample panel to be constructed for approval on site prior to commencement
- Details and finish of render
- Detailed drawing of eaves to be submitted and agreed, including tile crease
- All boundary treatment
- Hard and soft landscaping, including edges, demarcation of parking bays
- Lighting
- Detailed drawing of bin collection area
- Detailed scaled drawing of porches including detail of shaped brick to plinth of porch, timber frame, and glazing.
- Details of tile hanging and bonnet tiles
- Metal rainwater goods
- Window and door schedule (internal and external) for existing house

Hertfordshire Highways

Trees and Woodlands

Hertfordshire Biological Records Centre

Two garages will be demolished as part of the proposals - one adjacent to the main house, the other adjacent to the tennis court, underneath trees. I consider that given their location, situation and proposed demolition, they ought to be assessed for bats. If present, they will be

affected by the proposals.

Consequently an Inspection survey of these buildings should be undertaken, and if any evidence identified, further surveys and recommendations would be required. If a roost is to be affected, the application should not be approved without applying the Habitat Regulations tests so that the LPA can satisfy itself that if present, any bat roost has been properly taken into account.

There is no indication that the main house will be modified in respect of its roof; if this will be affected to any significant extent, the main roof should also be inspected and appropriate advice provided - but only if this is to be modified.

Environmental Health

Contaminated Land Officer

Thames Water

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Letters Received from the following addresses:

1, 2 and 3 Pine Close, 17, 21, 23, 25 North Road, 17 Anglefield Road.

All letters provide consistent observations with regard to the recent application. They recognise the improvements the submitted scheme has over previous proposals, noting the reduced density, and more spacious layout.

However, objections / comments are made to the following items:

Layout

The removal of the second detached property adjacent to the proposed plot 1 has given a large open space between plot one and the existing dwelling while plot 1 retains its previous location. Comments received have noted how this results in plot 1 having a cramped appearance, situated close to the boundary and Pine Close access Road. Suggestions are provided which propose plot 1 should be moved away from the boundary and re-orientated to face more into the site, giving a more balanced layout across the site as a whole and avoiding the cramped appearance.

Concern is also raised with regard to the parking area located to the west part of the site between plots 4/5 and 6. Suggestions are made that parking for plots 2, 3 and 4 could be provided within the open area next to plot 1; reducing the level of parking required in the

western portion of the site and improving the spacing around plot 6.

Other comments regarding layout relate to the lack of delineation of garden areas, indicating boundaries for private gardens for each unit. This has given rise to requests for information relating to management of communal gardens, access roads, parking courts and bin stores.

Bin Store

The location of the bin store is noted as being very prominent and is referred to as an urban feature which is out of place in this location.

Considerations

Policy and Principle

The application site is located within the urban area of Berkhamsted, as designated under Policy 2 of the Dacorum Borough Adopted Local Plan (DBLP) and CS4 of the Pre-Submission Core Strategy (PCS), which states development, will generally be directed to the towns of Berkhamsted, Hemel Hempstead and Tring. DBLP Policy 10 states that "general building development should be designed to achieve the maximum density consistent with the character of the area, surrounding land uses and other environmental policies in the plan.

The site is within the Berkhamsted Conservation Area, in accordance with Policy 120 new development must preserve or enhance the existing character. In the Conservation Area there is a presumption against the demolition of any building that contributes to the character of a conservation area.

The demolition proposed in this application relates to the removal of the attached garage to the south flank of The Pines building, and the flat roof indoor swimming pool element to the north flank. The elements identified are not considered to offer significant contributions to the amenity value of the appearance of The Pines building, and hence removal is not objected to.

The space around the building and relationship to surrounding development has been identified as very important to the overall character of the conservation area. This has formed the focus of pre-applications discussions with the applicant/agent with the clear objective formed that re-development of the site must maintain suitable spacing around units to ensure the character of the area retains the prominence of garden features through spacing between units. The depth of gardens and landscaping which contribute towards the verdant nature of the area are an important aspect of this measure of quality of the area.

Impact on Street Scene / Conservation Area

As detailed above, the application follows a number of previous applications which have followed a gradual process of incremental changes to various schemes arriving at the current proposal. The previous Inspectors reports have been discussed in brief detail above.

The alteration to the scheme through the removal of the detached dwelling adjacent plot 1 has addressed a fundamental issue with the scheme; the scheme now provides a significant open area between plot 1 and The Pines (existing building); this area is immediately apparent when entering the site and provides the required balance between

built form and retaining the open verdant character of the site and the contribution this makes to the conservation area.

The other alterations to the scheme regarding detail design of each unit have been addressed by the conservation officer.

With reference to layout, the conservation officer and also comments from neighbouring residents and the Town Council have remarked on a disproportionate distribution of the site for Plot 1, seeing the removal of the former plot 2 as an opportunity to increase the width of the amenity space for plot 1, and also highlighted the limited formal setting out of boundaries to delineate ownership of amenity space for each unit. With regard to plot 1, this has been discussed with the agent; at present the existing tennis court and vegetation bounding this area, as well as a natural change in level across the site creates a existing outline for the amenity space for plot 1 and the architect has followed this in the design. The proposed amenity space provided for plot 1 meets the requirements of the DBLP policies and appendices with regard to amenity space. Therefore there is limited reason to seek the extension of this area on the basis of required private amenity space.

Other suggestions have sought to provide additional / or re-positioned parking areas on this open land to provide the opportunity to spread the proposed parking bays evenly across the site.

The value of the open land retained is significant as it provides the balance of open space for the setting of the existing building. Any development or encroachment onto this area would detract from this resulting in an unacceptable development. Separating areas of the surface parking would result in a greater level of hard surfacing needed to serve these areas, further detracting from the site.

With regard to the management and ownership of amenity and shared areas, it is envisaged that plots 1 and 6 will be freehold and have rights of way over the shared driveway. Plots 2 to 5 will be co-owners of the remainder, including the shared driveway and parking areas, and will have joint responsibility for the maintenance and upkeep of these, a joint covenant will be imposed upon each of these properties to ensure the maintenance of these areas is kept to the highest order. Further details regarding boundary treatment, delineation and surface treatment shall be ensured through the required discharge of a landscaping condition.

Questions have also been raised over the refuse collection point, due to the central location within the site and the visual appearance of the structure in this prominent location. The collection point provides an area where bins are placed on collection day only, for the refuse collection service to have a single collection point for the site. Each dwelling/plot shall have its own refuse storage point for all other times. This arrangement means that the requirements for refuse storage and collection are met. The storage areas are within the required distance for each unit and the collection point is as close as possible to the site entrance for collection as possible without compromising the layout of the development or the amenity of each unit. Full details of any structures relating to this arrangement shall be clarified in the landscaping condition submission.

As such, the layout, design and general impact on the conservation area and street scene are considered to be acceptable and in accordance with Policy 10, 11 and 120 of the DBLP and

CS10, Cs11, CS12, CS13 and cs27 of the PCS.

Impact on Neighbours

The impact on neighbouring dwellings shall be assessed through the identification of neighbouring dwellings surrounding the site and the potential impact the development may have on these units.

Pines Close;

An attempt has been made to address concerns previously raised in respect of the effect on Pine Close by lowering the ground level. The scheme proposes a detached studio pitched roof building at the rear boundary close to the dwellings of 1 to 3 Pines Close. The building itself would act as screening between the rear elevation of Plot 1 and the associated garden areas, and the front elevation of the Pine Close dwellings. Subject to suitable control of the use of the studio and treatment of the boundary this arrangement would be considered acceptable with regard to Policy 11 in terms of privacy, sunlight and daylight.

21 North Road;

Plot 6 (former plot 7) has been relocated and is now in excess of 7m from the boundary with this dwelling; a detached garage (single storey) is located in the area between the dwelling and the boundary. No.21 has a garden area to the side of the dwelling of approximately 20 metres, facing the boundary with the site, and the flank elevation of plot 6. Given the distances between No.21 and the scale of the proposed dwelling, the proposal is not considered to result in significant harm to the amenity of No.21 by reason of privacy or loss of light.

22 North Road;

No.22 and Plot 1 would be situated on a similar axis side by side with the access to Pine Close running between; no objection would be raised to the relationship between these properties.

17 Angelfield Road;

No. 17 is located to the rear of the proposed plot 6. Currently, there is significant vegetation along the boundary of the site that would assist in the screening of the development ensuring limited loss of privacy to No.17. Without this vegetation, there would not be a situation of direct overlooking or overbearing impact as windows would directly face the side wall and the front of No 17, and no objection is raised on this basis. The parking court facing the west boundary would be also be screened by the vegetation of the west boundary, preventing loss of residential amenity from light emission into the garden of No.17 and noise disturbance.

Impact on Trees and Landscaping

There are no objections with regards to trees and landscaping, there are a number of areas where closer attention is required regarding areas of hard surfacing materials and construction methods, including protection of trees during construction. A landscaping condition shall

address these issues satisfactorily.

Parking

The Borough Plan requirements for on-site parking provision are as follows:

Dwelling Size	Parking Requirement
2 bed unit	1.5 spaces / unit
3 bed unit	2.25 spaces / unit
4 bed +	3 spaces / unit

The current scheme is assessed as follows:

Unit No	Unit Size	Required Parking Provision	Parking Provision Proposed
1	4-bed	3	3
2	3-bed	2.25	1
3	3-bed	2.25	1
4	2-bed	1.5	1
5	2-bed	1.5	1
6	5-bed	3	3
Visitor			2
	Total	12	12

The provision of 12 spaces meets the level of parking required across the site.

Assessment of the area has noted high levels of on-street parking, particularly on Charles Street, with parking issues spilling onto North Road also. The requirement to provide sufficient parking on-site is of high importance. At the current provision there are no grounds for refusal on the issue of parking.

The Conservation Area SPG states. "New development should seek to follow the existing building line and where appropriate sight lines to new accesses should be relaxed in order that a development which is sympathetic to character and appearance of an area can be achieved. Where appropriate, flexible application of the car parking guidelines will be considered if this

would favour conservation aims."

The addition of parking to the scheme would add greater levels of hard surfacing across the site; most likely needing to be placed at the open area between plot 1 and The Pines; thus infringing on the important retained open space area.

Transport and Access

Comments from the Highways Agency are overdue. Specific comments regarding the access, turning and general transport aspects of the proposed development have been requested and shall be reported to the comment when received.

Sustainability

The sustainability section of the design and access statement has detailed a number of specifications which shall be incorporated into the design:

"Water use and energy efficiency - With the introduction of the new building regulations Oct 2010, any new development must now meet the energy efficiency and water use requirements of Code Level 3, of the Code for Sustainable Homes. As a result these new houses will be designed to the highest levels of thermal efficiency and include forms of renewable energy, heat recovery and air tightness to ensure the 25% reduction in dwelling CO2 emission rates is achieved. The new dwellings will also be designed to use a maximum of 125 litres of water per person per day. This will be achieved by the installation of low flow taps and showers, reduced flush toilets, and low capacity baths. The exact combination of elements to achieve these strict standards will be determined by SAP assessment prior to building regulation application.

Materials - All timber used in construction will be from renewable sources where cultivation is for the express purpose of producing high grade joinery quality timber and all external joinery will be double vacuum preservative treated to ensure long life. No tropical hardwood will be used.

Demolitions & waste - The existing single storey extensions will be crushed on demolition and used under the roads and parking areas on site to reduce transport emissions. A management plan for the storage of material/plant and for efficient and sustainable site operation will be produced to minimise building waste and vehicle movements during construction. A dedicated and enclosed composting area will be provided in each of the rear gardens of the proposed houses to encourage recycling of organic household waste.

Surface water run-off - The new road and parking areas will incorporate a porous finish to enable surface water to permeate naturally through to the subsurface. All other surface water will be discharged to soakaways."

The above details are considered acceptable; a condition would secure the implementation of these elements, with the submission of a management plan for efficient and sustainable site operation required.

Ecology

Conditions regarding the installation of bat boxes and also for the required bat license shall be imposed on any permission given.

Planning Obligations

Planning obligations have been sought for the following items:

Term	Amount
Outdoor pitches	£2,925
Cycles	£963
First and Middle Schools	£14,447
Child Play Splace	£7,232
Natural Green Space	£113
Travel Smart	£125
Libraries	£931
Monitoring	£1606.16
TOTAL	£28,340.16

A unilateral obligation to this amount has been provided in draft. A final signed version shall be issued within the next week.

Conclusion

The development of the application site including the addition of dwellings within the spacious plot is acceptable in principle and in accordance with the NPPF, and Policies 2, 9 and 10 of the Adopted Local Plan. The existing building, The Pines, and the spacious, green plot in which it sets has been identified as a Heritage Asset as defined within the NPPF and therefore any development of the site must pay due regard to such features. The proposed development has now achieved an acceptable proposal which respects the visual amenity and character of the conservation area and surrounding development and is considered to be in accordance with both local policies and National Guidance.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Senior Manager, Development Management and Planning with a view to approval, subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

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

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

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

The submitted information shall include details of:

- Bricks
- Roof tiles
- Colour and finish of render
- Tile hanging and tile bonnets
- Metal rainwater goods
- Detailed drawings of window head and cills
- Scale 1:10 of fenestration joinery, sections of moulding and glazing bars and methods of opening.
- Detailed drawing of eaves to be submitted and agreed including tile crease
- Detailed drawings of porches including detail of shaped brick to plinth of porch, timber frames and glazing
- Window and door schedule (internal and external) of existing house
- Brick bond to be flemish bond unless otherwise agreed, sample panel to be constructed on site prior to commencement.

Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the Conservation Area.

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

- hard surfacing materials including edges and demarcation of parking bays;

- means of enclosure and all boundary treatment;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);

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

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

- 4 **The approved landscaping scheme shall be carried out in the first complete planting season following the first occupation of any of the dwellings hereby permitted. For the purposes of this condition a planting season is the period from 31 October in any one year to 1 March in the next following year. Thereafter, the trees, hedges, shrubs and grass shall be adequately maintained and any tree, hedge, shrub or other plant forming part of the approved landscaping scheme which, within a period of five years from the date of 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 tree, hedge, shrub or plant of a species, size and maturity to be approved in writing by the local planning authority.**

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

- 5 **The trees shown for retention on the Tree Protection Plan, hereby approved, shall be protected during the whole period of site excavation and construction by the erection and retention of a 1.5 metre high chestnut paling fence on a scaffold framework positioned beneath the outermost part of the branch canopy of the trees in accordance with the requirements of BS 5837.**

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

- 6 **No materials, plant, soil or spoil shall be stored underneath the canopy of any tree on the site which is shown for retention on the Tree Protection Plan hereby approved.**

Reason: In the interest of retaining visual amenity.

- 7 **No development shall take place until a plan, drawn to an appropriate scale, shall have been submitted to and approved in writing by the Local Planning Authority, which clearly demonstrates that the proposed access drive and**

crossover contains the features required of a Shared Surface Road, as per Roads in Hertfordshire – A Guide for New Developments. The site access shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings hereby permitted.

Reason: In the interest of Highway Safety

- 8 **No dwelling shall be occupied until the arrangements for vehicle parking shall have been provided as shown on drawing no 312-L1F and such arrangements shall not be used thereafter for any purpose other than for vehicle parking.**

Reason:In the interest of highway safety.

- 9 **The arrangements for bin storage and collection shall be in accordance with the details shown on plan no 312-L1F and these shall be provided prior to the first occupation of any of the dwellings hereby permitted and shall thereafter be permanently maintained.**

Reason: In the interest of visual amenity.

- 10 **During the course of construction works the wheels of all vehicles leaving the development site shall be cleaned so that they do not emit dust or deposit mud, slurry or other debris on the highway.**

Reason: In the interest of visual amenity and highway safety.

- 11 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within the following Classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes A, B and E.

Reason: With regard to the sensitivity of the site and in the context of the significant history of applications this condition is attached in the interest of visual amenity and the amenity of neighbouring residents.

- 12 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification), no windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed.**

Reason: In the interest of visual amenity and the amenity of neighbouring residents

- 13 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and shall not be converted or adapted to form living accommodation.**

Reason: In the interest of visual amenity and the amenity of neighbouring residents

- 14 **The entrance gate posts and retaining wall to the proposed parking court shall be permanently retained to their existing height and condition.**

Reason: In the interest of visual amenity

- 15 **The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued certifying that Code Level 3 has been achieved.**

Reason: In the interest of sustainable development

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

List to follow

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

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in the urban area of Berkhamsted where residential development is acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the Berkhamsted Conservation area or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 and 120 of the Borough Plan.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 2, 9, 10, 11, 13, 58 and 120

Appendices 3, and 5

Supplementary Planning Guidance

Development in Residential Areas

Pre-Submission Core Strategy

CS4, CS11, CS12, CS13 and CS27