



Public Document Pack
**DEVELOPMENT MANAGEMENT
AGENDA**

**THURSDAY 6 SEPTEMBER 2018 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Guest (Chairman)
Councillor Bateman
Councillor Birnie
Councillor Clark
Councillor Conway
Councillor Maddern
Councillor Matthews

Councillor Riddick
Councillor Ritchie
Councillor Whitman
Councillor C Wyatt-Lowe (Vice-Chairman)
Councillor Fisher
Councillor Tindall

For further information, please contact Corporate and Democratic Support or

AGENDA

7. **ADDENDUM** (Pages 2 - 16)

Agenda Item 7



DEVELOPMENT MANAGEMENT COMMITTEE

Thursday 6th September 2018 at 7.00 PM

ADDENDUM SHEET

Item 5a

4/01821/18/FUL TEMPORARY CHANGE OF USE OF LAND TO CAR PARK PROVIDING 90 SPACES INCLUDING 6 DISABLED SPACES TO DISCHARGE CONDITION 15i OF PLANNING PERMISSION 4/00122/16/MFA (CONSTRUCTION OF 8 HALF STOREY CAR PARK WITH ASSOCIATED WORK TO PROVIDE 312 SPACES + 15 DISABLED SPACES.)

THE MOOR, MILL STREET, BERKHAMSTED

Berkhamsted Collegiate School, Castle Street

I am writing on behalf of Berkhamsted School in response to this planning application.

Our Castle Campus (Senior Boys and Sixth) encompasses Mill Street on both sides for the majority of its length. There are over 800 pupils and 100 staff on the Campus, with a crossing approximately half way along the road, which has little sign posting, deteriorated road markings and limited traffic calming measures in place.

Whilst we are neutral about the development, being conscious of the need for adequate parking in Berkhamsted, we have serious concerns about the potential for increased safety risks to pedestrians, including children crossing Mill Street, that is likely to arise by the increased volume of traffic in this location.

The lower end of Mill Street is tree lined on the west side, which restricts visibility for both pedestrian and vehicular traffic, and increases the safety risk.

We would respectfully request that the planning committee take the School's comments into account, and include the requirement for a controlled pedestrian crossing to replace the existing crossing, adequate traffic calming measures, suitable tree management to maximise visibility and parking restrictions, in order to mitigate the risks to our pupils and staff in any planning consent.

44 Castle Street, Berkhamsted

Objection

I am writing to object to this planning application for the following reasons. I live directly opposite the Moor so will be directly impacted. My reasons are:

1. Mill Street is already dangerous and overcrowded at certain times creating danger for pedestrians and other road users - including my family. The top of Mill Street near the canal is only wide enough for 1 car (despite it being a 2 way street) and I can't imagine this being adequate if the Moor is turned into a temporary car park. It will just lead to congestion spilling into Castle Street and the other way into the Tesco Car Park.
2. This will seriously impact the privacy of the homes that overlook the Moor and create a serious loss of Privacy. It may also pose a threat to these premises. 2 houses on Castle Street have private parking on Mill Street (44 and 43 Castle Street) and there are already issues with people using these spaces. If a car park is placed on the Moor then this will only become worse. Therefore I object on adequacy of Parking.
3. There will be a serious issue with everyday noise and disturbance if there are c90 car parking spaces on the Moor. I can only imagine the impact to mine, and my neighbours daily lives, if this planning app goes ahead. I would urge the planning officers to imagine this car park was being built just 3 metres from their family homes. Thus, I object to Noise and Disturbance from use.
4. At the moment the houses overlooking the Moor have a pleasant Vista - if a car park was placed there then there would be an extremely detrimental Visual Intrusion!
5. Finally, I object on the grounds that Green Spaces and parks for family use are extremely limited in Berkhamsted and I observe several families that enjoy the Moor every day. Turning the Moor into a car park is incomprehensible.

There are other solutions. Car Parking in Berkhamsted is under the most pressure at weekends. The railway car park is least used at the weekends. Strike a deal with the railway to open up the railway car park at weekends at normal car parking rates???

What about a park and ride?

9 Chestnut Drive

Objection

I am an independent arboricultural consultant. I am a chartered arboriculturist (through the Royal Institute of Chartered Foresters) and am a professional member of the Royal Institute of Chartered Surveyors. I am a Registered Consultant of the Arboricultural Association.

I write to you as a resident of Berkhamsted with a personal interest in the scheme. I have not been instructed by a third party and am not acting on behalf of any other person or organisation.

I have seen the Arboricultural Report prepared by Christopher Wright of Tim Moya Associates dated August 2018. I have also seen the design and Access Statement prepared by WYG.

My concern relates specifically to the mature horse chestnut tree proposed for removal (T2 of the survey). This is a very large tree with high visual amenity value. I looked at the tree this morning and disagree with the assessment by the author of the report that it is of low quality (it has been graded in the report as Category C under BS5837:2012).

The tree T2 has a reported stem diameter of 1340mm. This is very large for the species and indicates that it is an old tree. Using the John White method for ageing trees (*Estimating the Age of Large and veteran Trees in Britain* - Forestry Commission Information Note) this indicates that the tree has an age of 247 years, i.e. originating from 1771 (based on average site, garden, parkland growing conditions). I have attached the FC note to this.

The tree T2 is large enough to qualify as a Veteran Tree; however it does not have sufficient additional features to qualify with that status. However when assessed against criteria set out in the Ancient Tree Forum / Woodland Trust publication '*Ancient and other Veteran Trees - Further guidance on management*' (Lonsdale 2013), the tree can be described as 'notable'.

T2 is structurally sound and I saw no defects which could foreseeably shorten its life expectancy. The report appears to make a case that because it has been pruned within the past five years it will require pruning again in the future to manage the re-growth, and as a consequence its removal can be justified. I accept that future repeat pruning is likely to be necessary, but do not share the view that because of this it gives the tree a short life expectancy such that its grade should be downgraded to Category C and its removal justified. Particularly given the prominent nature of the tree, I would grade it as a high Category B specimen.

T2 is quite substantially the largest (and highest quality) tree along the Mill Street boundary and is dominant over the other trees. Its removal would leave those either side of it one-sided and exposed, particularly T1 and T3.

I have not seen amongst the documents associated with this application full justification as to why the access must be placed in the location proposed. I do not understand why it could not be positioned to the west of the tree T4. If necessary, the loss of T4 would be substantially preferable to the loss of T2 with this being a poor quality, suppressed specimen.

The application is for a temporary access only and I do not consider that the loss of T2 is justified for a development of this nature. Consequently I consider that the

proposal is contrary to Policy CS12 of the 2013 Core Strategy, and Policy 99 of the saved policies from the 1991 - 2011 Local Plan.

The proposal is for the construction of a temporary parking area which shall be constructed above ground level using no-dig techniques. I consider it likely that there will be engineering solutions to providing a temporary cross-over without the required loss of T2. An example of this might be the use of steel plate mounted on screw piles to minimise excavation required to raise up to the new temporary parking base.

I note that the regenerating ash stump T5 is also proposed for removal. I see no requirement for this given that the parking bays do not extend over it, and that the surface is to be constructed using no-dig techniques.

6 Bridgewater Road

Objection

I hope I'm not too late for my comments to be included in your consideration of the above application and for my objection to it to be registered.

Due to school holidays and other commitments, I've struggled to spend as much time on this as i would have liked. In order not to miss your deadline, i have simply summarised my objections below. If i can find the time in the next couple of days i will also submit a more detailed objection on behalf of Transition Town Berkhamsted.

Reasons for objecting:

- We have precious little open green space in Berkhamsted - covering a significant area of it with hard standing and cars for a protracted period will be quite a significant loss of amenity for the community
- The proposed area of parking is adjacent to a childrens play park and open space where children play and frequent. My concerns over this are three fold: first of all, the loss of amenity, specifically for this vulnerable group; secondly, the increased potential for accident/collision by the introduction of cars into places where kids are used to playing; thirdly; the detriment caused to air quality by bringing cars into green space – especially when the areas are frequented by children who really don't need more pollutants, let alone in their play areas. In addition the proposed safety railing is wholly inadequate given the proximity to areas designed for children.
- A number of community groups use the green spaces for sports and other active purposes eg gym classes, brownie/cub activities etc
- The detriment to the environment both visually and to plants and animals such as swans, geese etc for which it is habitat. Significantly, the proposed cutting down of trees on the Moor is a further blow given the loss of the existing mature trees in the current surface car park of lower kings road.
- Overall, I think it sends a really bad message about our priorities as a town – we value the provision of parking above the active and healthy uses that the green spaces are usually put to

I think the MSCP is a completely misguided project and an almost criminal waste of public funds, but notwithstanding that, I think a different solution has to be found to the inconvenience caused to current users of the surface car park during its construction. Either the timetable has to shift or an alternative needs to be considered – how about a trial run of a frequent free/low cost bus for in town journeys?

Lastly, I would also observe that during the closure period of the current car park last year when there were excavations, current users seemed to be able to make alternative arrangements without too much detriment to the town centre situation.

32 Meadow Road

Objection

I would like to state my clear objection to the proposal. More vehicle traffic in that area will result in increased vehicle pollution; the proximity of a children's play area is a great concern regarding both air pollution and safety; the surrounding streets are narrow and already congested with traffic, particularly around school drop off and pick up times; the parking provision isn't needed with an already existent (and often half empty) car park by the train station; the expense for the two is unjustified against any likely civic benefits; and finally the council should instead invest in more sustainable and environmentally responsible solutions for all (not just drivers) including better and more efficient public transport

5 Swallowtail Walk

Objection

I am very concerned that the council are even wasting their time with this proposal. Berkhamsted does not have a parking problem. Even on Saturday afternoons, the busiest time there are always places to park.

As for taking over this green space to allocate to some developer to allow them to build such a complete waste of parking spaces is beyond me.

There are bigger parking issues in Berkhamsted, Bridgewater Road, Collegiate and Ashlyns drop off that cause bigger holdups than any issue with finding somewhere to park.

As a Berkhamsted resident for 14 years I find this proposal out of scale in relation to the town.

Berkhamsted Town Council

No Objection

No objection subject to the following conditions being included in any permission granted:

1. The site must be reinstated as green open space as soon as the project to build

the multi storey car park is complete. Reinstatement must include soft landscaping such as levelling, applying extra top soil and reseeding as required.

2. A minimum of four replacement trees must be planted to compensate for tree removal at the access point.

3. The birds mouth fencing should not be of post and single rail construction but should consist of post and two rails to enhance its robustness and improve safety given the proximity to the play area and open space.

4. The exit route via Mill Street to Castle Street should be one way to avoid congestion, or alternatively temporary traffic lights could be installed.

5. The amendments to waiting and loading times already agreed for Lower Kings Road should be implemented as a matter of urgency.

6. The reduction to the maximum parking time at Water Lane car park and the amendments to long term arrangements at St John's Well car park to allow more short term parking, should be implemented as a matter of urgency.

Finally, the Town Council would draw DBC's attention to comments made in WYG in para 6.1.5 of the Design and Access Statement as follows:

"The Open Space Strategy sets out that Berkhamsted has a population of 19,000 and a total 67.9 hectares of open space. Saved Policy 73 requires the provision of leisure space at a minimum of 2.8 hectares per 1,000 population. Using this ratio Berkhamsted has 3.57 hectares of open space per 1,000 population. As such, Berkhamsted contains sufficient open space for its population."

The above statement is incorrect and should be amended. The Dacorum Open Space Study dated September 2007 states that Berkhamsted has a deficiency of 16.75 ha of leisure space and has the largest shortfall in the Borough.

Environment Agency Amended Comments

Thank you for re-consulting us on the above application following the submission of an updated Flood Risk Assessment (FRA). We are now in a position to **remove our previous objection** to this development.

We recommend that the applicant is signed up to receive flood alerts and warnings for the location.

Strategic Planning

Ideally, we would want to avoid this type of development on Open Land (Policy CS4 and saved Policy 116). Furthermore, it is likely that such a use would prove to be visually intrusive/damaging to the character of the open land (and GUC) and would result in the loss of some informal leisure space (albeit other alternative provision is located close by).

However, we consider that a pragmatic approach should be taken to this application. We would acknowledge that options for alternative sites are likely to be limited. We note this is for a temporary period only (not specified) and would not result in any built development as such (the use being potentially reversible). Fundamentally, it

would also allow for temporary replacement car parking (90 spaces) during the construction phase of the new Lower Kings Road multi-storey car park (4/00122/16/MFA). This new car park is important as it would provide for extra capacity parking in the town centre (given existing pressure on spaces) and partly future-proof it given the need for some level of additional growth in the town under the emerging Local Plan.

Given the above, a main concern is that measures should be put in place to protect/minimise damage to the Open Land / recreational ground over this temporary period.

Unfortunately, there is no up to date information on the open space standards in Berkhamsted since these were last assessed in 2008 under the (then) Open Space Study (<http://www.dacorum.gov.uk/docs/default-source/planning-development/final-version-of-open-space-studyv3.pdf?Status=Master&sfvrsn=0>). At that time the report made clear that there were shortfalls in quantity and types of open spaces (section 10.2):

Berkhamsted has a range of open spaces with a total area of 143.533 ha which equates to 7.663 ha per 1000 population. It is deficient of 16.75 hectares of leisure space when compared to the 2.8 hectares per thousand people standard in the Local Plan.

However, the position is not as clear cut as would appear and there are other factors that need to be borne in mind (section 4.5):

Although Berkhamsted is deficient in leisure space especially parks and gardens and public sports facilities, it does have high levels of school sport facilities and natural green spaces. The natural green spaces such as the Castle does provide some opportunity for informal leisure activity but more formal leisure space is required. There may be potential for some further use of school facilities through dual use arrangements within the area.

It should also be noted that the levels of leisure space were calculated against the previous National Playing Fields Association (NPFA) standards. We understand that new standards are now being recommended for authorities (the Fields in Trust standard) (<http://www.fieldsintrust.org/guidance>) and these may give rise to a different position on open space should they be applied locally.

Generally, we would not expect there to have been any real improvements in the standard since 2008. Very little in the way of substantial new play space has come forward in the town and the population will have increased in the interim (increasing the relative deficit further still). Therefore, we would conclude that any additional loss (albeit temporary) will only worsen this overall position. While not a desirable position to be in, we consider that there are other factors to balance against the loss (as set

out above). We note that the agents have made their own calculations in the DAS (para. 6.15) which concluded that there was sufficient open space for its population. However, we do not consider that they have assessed the levels on a like-for-like basis given that not all open space qualifies as leisure space for the purposes of the NPFA standards.

In addition and for information, we have commissioned consultants KKP to review a number of studies including the Open Space Study. They will be able to provide an up to date assessment of the quality and quantity of open space (and measure these against appropriate standards). Regrettably, the study is unlikely to be available until early in the new year.

Amended to Open Space Assessment within Committee Report

The Open Space Assessment (2008) highlights that Berkhamsted has the largest deficiency of open space in the borough with -1.07 ha of open space compared to 2.8 ha per 1000 people; totally 1.73 ha per 1000 people. It is appreciated that this statistic is now out-of-date however, the indication that Berkhamsted is deficient in open space is accepted. Nevertheless, it is important to emphasise that the car park would be in place for a temporary period of one year and the open space would be restored to a higher standard than currently existing. Therefore, the proposal would not result in a long-term, permanent loss of open space provision within Berkhamsted.

Recommendation

As per published report.

Item 5b

4/01390/18/FUL DEMOLITION OF EXISTING GARAGE AND SIDE/REAR EXTENSIONS AND CONSTRUCTION OF TWO-STOREY SIDE EXTENSION AND PART SINGLE, PART TWO-STOREY REAR EXTENSION; CONVERSION FROM SINGLE DWELLING INTO PAIR OF SEMI-DETACHED PROPERTIES (TOTAL 2 UNITS)

GREYMANTLE, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0HF

Comments submitted by applicant in response to Officer's report

History

"01598/16/FHA DROPPED KERB Granted 29/09/2016"

This relates to Ivydene not Greymantle.

Parking

“The proposal provides four in total, falling short of the Council’s maximum parking standards by 0.5 spaces. Considering the sustainable location of the site, it is not felt that the proposal could be refused on parking grounds alone.”

The standards are a maximum, therefore the proposal accords with them, if I provided 5 spaces it would exceed the maximum which would be contrary to the parking standards. This quote implies that the proposal is contrary to the standards, but it is not.

Description

The proposal description does not mention the removal of the two-storey rear and single storey side extensions from both sides. The net increase from the proposal is just over 7% in footprint (150m² compared to existing 139m²) and the increase in floor space is less than 18% (247m² compared to existing 210m²). I believe this should be referenced in the report so as to distinguish it from applications which involve adding a whole house to the side of an existing property resulting in doubling the footprints and floor areas. Also, given the modest increases in size demonstrated by these figures, I believe the removal of PD rights is unjustified.

Contamination

I also believe the clause for contamination has been included erroneously. As pointed out previously the measurements given by Mr Aberer do not correlate with the true measurements on the ground (attached is my email illustrating this), it appears he is using the wrong scale on whatever map he is relying on. It is also ridiculous to think that contamination would occur from a site which is more recently built than the property. My proposal only relates to previously developed land (building, drive and patio), which is higher than the road, and more than 100m from the two sites and predates the garages. The garage which is closest has had extensive contamination reports carried out recently and found that there is no contamination to the service station site nor groundwater, therefore it is hard to believe our site could be contaminated. The fact that no remedial work was deemed necessary there means it is ludicrous to expect any to be required at our site. I would once again ask for the maps to be provided which illustrate the distances that Mr Aberer claims. The other garage was also required to have a contamination report carried out prior to construction and works have started so presumably this site also got the all clear.

If you look on the attached maps from the service station which is being developed into a Tesco store, you will see that Greymantle appears on page 4 (1924/5 map) the

garage is not on this map but appears on page 7 (1972/3 map). You can also see the 100m radius illustrated on these which intersects in the middle of Homeland, and clear of Parkhurst and then Greymantle. The other garage is also not on 1924/5 map but appears on 1972/3 map and is even further away. This garage has also recently had approval for redevelopment into 34 retirement properties and had the following comments “DBC - CONTAMINATED LAND, Comment Date: Wed 18 Nov 2015, No objection (subject to conditions)”. As you said on the phone you thought that the tone of the emails from Mr Aberer lacked professionalism and given he hung up the phone from me when I asked if he had been contacted by any of the neighbours regarding the application, I believe it is obvious that he has been pressured into his views. If he has maps which show what he claims, then please can he provide them. If not, then I think it is safe to say the sites are more than 100m away from the proposal. If the two sites in question have been given the all clear, which presumably they have given they are in the process of being developed, then please can someone explain how our site can possibly be contaminated.

Plans PE1 & PE2 – Amended with the addition of chimneys (one retained, one new).

Recommendation

As per published report.

Item 5c

4/00335/18/FUL PART DEMOLITION OF EXISTING SIDE EXTENSIONS AND CONSTRUCTION OF NEW 3-BED DETACHED DWELLING.

3 GAVESTON DRIVE, BERKHAMSTED, HP4 1JE

Berkhamsted Town Council

Objection

Because of the steeply sloping nature of the site, it is difficult to assess from the current drawings the topographical relationship of the proposals to adjacent properties. Therefore the Town Council maintains its objection made at the 16 July meeting of the Committee.







Recommendation

As per published report.

Item 5d

4/01315/18/FUL DEMOLITION OF EXISTING KENNELS AND CONSTRUCTION OF A COURTYARD OF THREE DWELLINGS AND ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING.

HAZEL CORNER DOG HOTEL, WINDMILL ROAD, MARKYATE, AL3 8LP

Markyate Parish Council

Objection

As commented on a previous occasion, the Council very strongly objects to this application. It is Green Belt and it was originally granted permission for staff accommodation, now they have put in for planning of three dwellings. Very opposed.

DBC Conservation Amended comments

I've looked at the amended drawings – these represent a great improvement on the earlier scheme, and the majority of suggested changes have been adopted. The only design issue I have are the two projecting dining room window bays at each end – which disrupt the tight courtyard layout. If these can be removed, the scheme would be acceptable from a design perspective.

The following amendments were made in plan revision numbers:

473-100-D

473-101-E

473-102-C

473-103-A

473-105-B

Recommendation

As per published report.

Item 5e

4/01280/18/FHA ALTERATION OF FRONT FIRST FLOOR WINDOW INTO DOUBLE DOOR. BALCONY RAILINGS INSERTED TO CURRENT SLAB ABOVE ENTRANCE PILLARS.

17 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BY

Recommendation

As per published report.

Item 5f

4/01710/18/FHA CONSTRUCTION OF GARDEN ROOM.

5 BELTON ROAD, BERKHAMSTED, HP4 1DW

Submitted Flood Risk Assessment

Condition 2:

The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

- Design and Access Statement**
- Flood Risk Assessment**
- Block Plan V3**
- Detailed Plan**
- Front View**
- Plan**
- Rear View**
- Side View 1**
- Side View 2**

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

Recommendation

As per published report.
