



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 21 MAY 2020 AT 6.30 PM
MICROSOFT TEAMS**

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 Oguchi
Councillor C Wyatt-Lowe (Vice-Chairman)	Councillor Riddick
Councillor Beauchamp	Councillor R Sutton
Councillor Durrant	Councillor Symington
Councillor Hobson	Councillor Uttley
Councillor Maddern	Councillor Woolner
Councillor McDowell	

If you are having problems connecting to the virtual meeting, please phone the clerk on 01442 228490.

For further information, please contact Corporate and Democratic Support on 01442 228209.

AGENDA

- 1. MINUTES** (Pages 5 - 21)
To confirm the minutes of the previous meeting.
- 2. APOLOGIES FOR ABSENCE**
To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who Attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

It is requested that Members declare their interest at the beginning of the relevant agenda item and it will be noted by the Committee Clerk for inclusion in the minutes.

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation.

Time per speaker	Total Time Available	How to let us know	When we need to know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	5pm the day before the meeting.

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228209 or by email: Member.support@dacorum.gov.uk

The Development Management Committee will finish at 10.30pm and any unheard applications will be deferred to the next meeting.

There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

At a meeting of the Development Management Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

Please note: If an application is recommended for approval, only objectors can invoke public speaking and then supporters will have the right to reply. Applicants can only invoke speaking rights where the application recommended for refusal.

5. INDEX TO PLANNING APPLICATIONS

- (a) 4/01866/18/FUL - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF FIVE 4 BEDROOM DETACHED DWELLINGS WITH ASSOCIATED LANDSCAPING AND ACCESS - 57 SOUTH PARK GARDENS, BERKHAMSTED, HP4 1HZ (Pages 22 - 103)
- (b) 19/03272/FUL - Construction of new chalet bungalow to the side/rear of 5 Tring Road. - Land To The Side/Rear 5 Tring Road, Dudswell, Berkhamsted, Hertfordshire, HP4 3SF (Pages 104 - 150)
- (c) 19/02696/FUL - Demolition of existing bungalow, construction of 8 new semi-detached houses (2 x 2 bedroom, 2 x 3 bedroom and 4 x 4 bedroom), access, turning and parking areas, landscape planting and ancillary development. - Rosecroft, 49 Chesham Road, Bovington, Hemel Hempstead, Hertfordshire, HP3 0EA (Pages 151 - 181)
- (d) 20/00089/FUL - Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration. - Barn A, Flaunden Stables, Birch Lane, Flaunden, HP3 0PT (Pages 182 - 206)
- (e) 20/00593/FUL - Change of use from dwellinghouse (use class C3) to children's care home (use class C2) - 27 Eight Acres, Tring, Hertfordshire, HP23 5DB (Pages 207 - 217)
- (f) 20/00394/LBC - Replace close boarded fence and gate due to storm damage - The Old Bakery, 31A Frogmore Street, Tring, Hertfordshire, HP23 5XA (Pages 218 - 223)

6. APPEALS (Pages 224 - 227)

Public Document Pack Agenda Item 1

DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

12 MARCH 2020

Present:

MEMBERS:

Councillor Guest (Chair) Councillors, Beauchamp, Durrant, Hobson, Maddern, McDowell, Oguchi, R Sutton, Uttley, Woolner and Stevens

OFFICERS:

B Curtain (Lead Planning Officer), S Dunn-Lwin (Lead Planning Officer), J Hutton (Legal Governance Team Leader (Planning and Property)), O Stapleford (Assistant Team Leader - Planning Enforcement), N Sultan (Lead Litigation Lawyer), S Whelan (Group Manager - Development Management and Planning) and C Webber (Corporate & Democratic Support Officer)(Minutes)

The meeting began at 7.01 pm

Councillor Guest introduced Jacqueline Hutton, Legal Governance Team Leader (Planning and Property), to the Committee.

1 MINUTES

The minutes of the meeting held on 20 February were confirmed by the Members present and were then signed by the Chair.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Wyatt-Lowe, Riddick and Symington.

Councillor Stevens substituted for Councillor Symington.

Councillor Oguchi arrived at 7:31pm.

3 DECLARATIONS OF INTEREST

Councillor Guest asked Members to remember to declare any Disclosable Pecuniary or other Interests at the beginning of the relevant planning application.

4 PUBLIC PARTICIPATION

Councillor Guest reminded Members and the public about the rules regarding public participation as follows:

For each application the officer presents the report to the Committee, then the participants from the public are called to speak. Following this, questions are taken from the Committee along with statements and comments for debate.

5a 4/01730/19/FHA - Raised decking areas, log cabin to rear garden and boundary fencing - 17 Pickford Road Markyate St Albans AL3 8RS

Councillor Oguchi arrived at 7:31pm and, therefore, did not participate or vote on this item.

The Case Officer, Briony Curtain, introduced the report to Members and said that the application had been referred to the Committee as it was contrary to the view of the Parish Council.

Andy Bunting spoke in objection to the application.

Gareth Devoti spoke in support of the application.

It was proposed by Councillor Maddern and seconded by Councillor McDowell to **DELEGATE** the application **WITH A VIEW TO APPROVAL** in line with the officer recommendation.

Vote:

For: 6

Against: 1

Abstained: 3

Resolved: That planning permission be **DELEGATED WITH A VIEW TO APPROVAL SUBJECT TO EXPIRY OF NEIGHBOUR NOTIFICATION** (amended plans 14 days) and subject to the following conditions:

Conditions

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents and the fencing / screens hereby approved thereafter maintained as such:

1087-PL-010 REV E

Photo/visual of outbuilding front façade

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

3. The Outbuilding hereby approved shall only contain openings (windows and doors) to the eastern elevation.

Reason; to safeguard the residential amenities of adjoining and adjacent residents in accordance with Policy CS12 of the Core Strategy 2013.

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

5b 4/02119/19/FUL - Demolition of existing old dairy building. Redevelopment of site to provide a site facilities building and associated Development. - Land To Rear Of 25-26 Castle Street Berkhamsted

Councillor Oguchi arrived at 7:31pm, before this item began, so she did participate and vote on this item and all following items.

Councillor Stevens and Councillor Woolner declared interests in this item and, therefore, did not participate or vote on this item. They recused themselves to the public gallery.

The Case Officer, Briony Curtain, introduced the report to Members and said that the application had been referred to the Committee as it was contrary to the views of the Town Council.

Lisa Keys and David Ellwood spoke in objection to the application.

Berkhamsted Town Councillor Garrick Stevens spoke in objection to the application.

Tracey Evans spoke in support of the application.

It was proposed by Councillor Beauchamp and seconded by Councillor Sutton to **GRANT** the application in line with the officer recommendation with additional conditions including restricting access to the roof terrace solely for maintenance, details of the extraction system, and limiting operation of the building to existing use class.

Vote:

For: 5 Against: 3 Abstained: 1

Resolved: That planning permission be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

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

1812 – P210 REV 01 – DEMOLITION PLAN
1812 – P500 REV 01 – Vehicle Access Plan
1812 – P100 REV 01 – Proposed Site Plan
1812 – P010 REV 01 – site location plan
1812 – P220 REV 01 – Proposed plans
1812 – P230 REV 01 – Proposed plans
1812 – P240 REV 01 – Proposed plans
1812 – P340 REV 01 – Proposed plans
1812 – P350 REV 01 – Proposed plans
1812 – P360 REV 01 – Proposed plans
1812 – P370 REV 01 – Proposed plans
1812 – P110 REV 01 – Sections
Archaeology Desk Based Assessment (May 19 - Oxford Archaeology)
Workshop Noise Assessment Report No. 18-0086-2-R01
Preliminary Ecological Appraisal and Daytime Bat Inspection Survey Nov 19

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

3. No development (excluding demolition/ground investigations) 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: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. No demolition / development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

- (a) The programme and methodology of site investigation and recording.
- (b) The programme for post investigation assessment.
- (c) Provision to be made for analysis of the site investigation and recording.
- (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- (e) Provision to be made for archive deposition of the analysis and records of the site investigation.
- (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum

Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

5. i) Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 4;.
- ii) The development shall not be brought into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4; and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

6. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

(i) A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

(ii) A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

(iii) A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

7. All remediation or protection measures identified in the Remediation Statement referred to in Condition 6; above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

8. The demolition works and development hereby approved shall be constructed/undertaken fully in accordance with the recommendation set out in the submitted Preliminary Ecology Assessment.

No above ground work shall commence on the building hereby approved until details of integrated bat and bird boxes has submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard against harm to protected species and to ensure the development contributes towards the conservation and restoration of habitats in accordance with the NPPF and Policy CS26 of the Core Strategy 2013.

9. The existing north-eastern and southern boundary walls and attached vegetation shall be retained in their entirety in perpetuity.

If the walls cannot be retained for structural reasons then prior to the commencement of development (including demolition) a scheme of ecological compensation measures shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented as agreed and thereafter maintained as such.

Reason: To safeguard the character, appearance and historic interest of the area and to ensure the development does not have a negative impact on biodiversity/ecology in accordance with Policies CS26 and CS27 of the Core Strategy 2013.

10. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the

corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points into any storage features.
2. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features such as a blue roof etc. reducing the requirement for any underground storage.
4. Provision of Thames Water agreement for proposed run-off rates and volumes.
5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy CS31 of the Core Strategy 2013.

11. Upon completion of the drainage works, and prior to the building being bought into use, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The management and maintenance plan shall include:

1. Provision of a complete set of as built drawings including the final drainage layout for the site drainage network.
2. Maintenance and operational activities for the lifetime of the development.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory maintenance of the surface water network on the site and to reduce the risk of flooding to the proposed development and future occupants. In accordance with Policy CS31 of the Core Strategy 2013.

12. The first floor windows and doors in the eastern of the extension hereby permitted shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is fitted. All parts of the windows and doors below 1.7m from the floor level shall be permanently fitted with obscured glazing.

The first floor stairwell window (window further to the left) in the western elevation of the building hereby approved shall be permanently fitted with obscured glazing

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

13. The development hereby approved shall be operated fully in accordance with the submitted Berkhamsted School Old Dairy Workshop Noise Assessment (Report No. 18-0086-2 R01) . The extract fan serving the workshop shall have a sound power level not exceeding 70dBA and shall not contain any tonal character.

Reason: To safeguard the residential amenities of surrounding properties in accordance with Policy CS12 of the Core Strategy 2013.

14. Prior to the commencement of development (including demolition) a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

- o construction vehicle numbers, type and routing;
- o traffic management requirements;
- o construction and storage compounds (including areas designated for car parking);
- o siting and details of wheel washing facilities;
- o cleaning of site entrances, site tracks and the adjacent public highway;
- o timing of construction activities (to avoid school pick up/drop off times);
- o provision of sufficient on-site parking prior to commencement of construction activities;
- o post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- o construction or demolition hours of operation; and
- o dust and noise control measures.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

15. The workshops hereby permitted shall not be operational other than between the hours of:

08.00 - 17.00

Reason: To protect the residential amenities of the locality in accordance with to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

16. The flat roof areas of the building hereby approved shall not be accessed at any time other than for maintenance purposes.

Reason; to safeguard the residential amenities of surrounding properties in accordance with Policy CS12 of the Core Strategy 2103.

17. No development other than demolition shall commence until full details of the proposed extraction system has been submitted to and approved in writing by the Local Planning Authority.

Reason; to safeguard the residential amenities of surrounding properties in accordance with Policy CS12 of the Core Strategy 2013.

18. The buildings hereby approved shall only be used for B1 (a) B1 (c) and B8 uses.

Reason; To safeguard the residential amenities of surrounding properties in accordance with Policy Core Strategy 2013.

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage and during the course of several applications which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2.
 1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
 2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
 3. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

5c 19/02993/FUL - Redevelopment of site to provide 6 no. dwellings with associated parking, landscaping and hardstanding (amended scheme) - Land R/O 12 Trowley Hill Road Flamstead St Albans Hertfordshire AL3 8EE

The Case Officer, Simon Dunn-Lwin, introduced the report to Members and said that the application had been referred to the Committee due to the contrary views of Flamstead Parish Council.

Jennifer O’Leary spoke in objection to the application.

Flamstead Parish Councillors Jane Timmis and Sandra Clark spoke in objection to the application.

Anjohn Shome spoke in support of the application.

It was proposed by Councillor Maddern and seconded by Councillor Uttley to **DELEGATE** the application **WITH A VIEW TO APPROVAL** in line with the officer recommendation with additional condition relating to refuse collection.

Vote:

For: 7 Against: 2 Abstained: 2

Resolved: That planning permission be **DELEGATED TO THE GROUP MANAGER DEVELOPMENT MANAGEMENT WITH A VIEW TO APPROVAL**, subject to:-

- A) The completion of a S106 Agreement for the provision of open space on the adjacent blue land which is to be landscaped and maintained as an orchard in perpetuity; and
- B) The following planning conditions:

Conditions:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

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

FLA - P01 rev A	Existing Location Plan
C4T5/FOU/FLA4 - S03/1 rev H	Proposed Site Plan (inc. Fire Hydrant)
FLA - S05 rev F	Proposed Site Context Plan
C4T5/CIV/FLA004-P04 rev F	Proposed Plots One and Two
C4T5/CIV/FLA004-P05 rev G	Proposed Plots Three and Four
C4T5/CIV/FLA004-P06 rev F	Proposed Plots Five and Six

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

3. No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external

surfaces of the development, including window and door details, 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: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - o all external hard surfaces within the site;
 - o other surfacing materials;
 - o means of enclosure/boundary treatment;
 - o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
 - o minor artefacts and structures (e.g. signs, refuse or other storage units, etc.); and
 - o retained historic landscape features and proposals for restoration, where relevant.

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 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 tree or shrub of a species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. No development (excluding ground investigations or archaeological investigations) shall take place until a scheme for the enhancement of the site for biodiversity purposes, to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2019).

6. No construction of the superstructure shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the

Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

- (a) The programme and methodology of site investigation and recording.
- (b) The programme for post investigation assessment.
- (c) Provision to be made for analysis of the site investigation and recording.
- (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- (e) Provision to be made for archive deposition of the analysis and records of the site investigation.
- (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

7. i) Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 6.
- ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

8. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

(i) A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

(ii) A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

(iii) A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

9. All remediation or protection measures identified in the Remediation Statement referred to in Condition 8 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

10. 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:

Schedule 2, Part 1, Classes A, B, C, D and E.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality within the Green Belt and Flamstead Conservation Area in accordance with Policy CS5, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

11. Details for the provision of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the relevant part of the development to which they relate and retained thereafter.

Reason: To provide for alternative modes of transport, having regard to Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraph 104 (d) of the National Planning Policy Framework (2019).

12. Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter for that specific use.

Reason: In accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013), Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Section 9 of the National Planning Policy Framework (2019).

13. Prior to the commencement of any below ground construction works including the erection of any foundations a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

- o construction vehicle numbers, type and routing;
- o traffic management requirements;
- o construction and storage compounds (including areas designated for car parking);
- o siting and details of wheel washing facilities;
- o cleaning of site entrances, site tracks and the adjacent public highway;
- o timing of construction activities (to avoid school pick up/drop off times);
- o provision of sufficient on-site parking prior to commencement of construction activities;
- o post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- o construction or demolition hours of operation; and
- o dust and noise control measures.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

14. The development hereby permitted shall not be occupied or the use commenced until the private refuse collection service, as set out in the submitted report by Waste Concern dated 20th January 2019, or by any other waste collection service, has been implemented. Thereafter, all refuse and recyclable materials associated with the development shall be continuously collected by a waste service contractor in perpetuity. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement on Trowley Hill Road.

Reason: To ensure a satisfactory means of access for refuse collection service to safeguard the residential and visual amenities of the locality, and prevent obstruction to vehicular and pedestrian movement in accordance with saved Policies 54 of the Dacorum Borough Local Plan (2004) and Policies CS12 of the Dacorum Borough Core Strategy (2013).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. The above contamination conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.
3. Construction Hours of Working - (Plant & Machinery) Informative
In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00hrs to 1300hrs Saturday, and no noisy works permitted at any time on Sundays or bank holidays.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

The meeting adjourned at 9:09pm.

The meeting reconvened at 9:19pm.

5d 4/02222/19/FUL - Demolition of existing building and construction of 7 flats in two buildings with undercroft parking provision for 9 cars and landscaping. (Amended Scheme). - 16 Hempstead Road Kings Langley WD4 8AD

The Case Officer, Simon Dunn-Lwin, introduced the report to Members and said that the application had been referred to the Committee due to the contrary views of Kings Langley Parish Council.

Christine Smith, Keith Smith and Diana Camden spoke in objection to the application.

It was proposed by Councillor Sutton and seconded by Councillor Uttley to **GRANT** the application in line with the officer recommendation.

Vote:

For: 3 Against: 5 Abstained: 3

Councillor Guest noted that the recommendation fell. She requested a motion to **REFUSE** the application.

It was proposed by Councillor Maddern and seconded by Councillor Beauchamp to **REFUSE** the application as the proposed development, by reason of its excessive density, scale, height, bulk, layout, design and appearance would be detrimental to the character and appearance of the area and harmful to the street scene contrary to Policies CS10, CS11 a) and CS12 g) of the adopted Dacorum Core Strategy and the NPPF (2019).

Vote:

For: 6 Against: 2 Abstained: 3

Resolved: That planning permission be **REFUSED**.

5e 19/03052/ROC - Variation of Conditions 6 (Roof/Covered Structure) and 8 (Development usage) attached to planning permission 4/01793/19/MFA (Replacement covered ménage (re-submission)) - Top Common The Common Chipperfield Kings Langley Hertfordshire WD4 9BN

Simon Dunn-Lwin introduced the report to Members on behalf of the Case Officer and said that the application had been referred to the Committee due to Chipperfield Parish Council supporting the application contrary to the officer's recommendation.

Lorraine Sattin spoke in support of the application.

Chipperfield Parish Councillor Bryant spoke in support of the application.

It was proposed by Councillor McDowell and seconded by Councillor Hobson to **REFUSE** the application in line with the officer recommendation.

Vote:

For: 7 Against: 0 Abstained: 4

Resolved: That the s73 application for variation of conditions 6 and 8 be **REFUSED**. The proposed replacement conditions would not be reasonable, precise or relevant to the permission granted and would diminish the case put forward and accepted as very special circumstances which justified inappropriate development in the Green Belt. Therefore the proposals do not accord with the NPPF, NPPG (Use of Conditions) and policy CS5 of the Core Strategy.

5f 19/02895/ART - Land North End Of Cupid Green Lane, Hemel Hempstead

Olivia Stapleford introduced the report to Members.

It was proposed by Councillor McDowell and seconded by Councillor Stevens to **CONFIRM** the Article 4 Direction.

Vote:

For: 11

Against: 0

Abstained: 0

Resolved: That the Article 4 Direction (ref: 19/02895/ART) made on 14th November 2019 be **CONFIRMED**.

6 APPEALS

That the following appeals were noted:

A. LODGED

B. DISMISSED

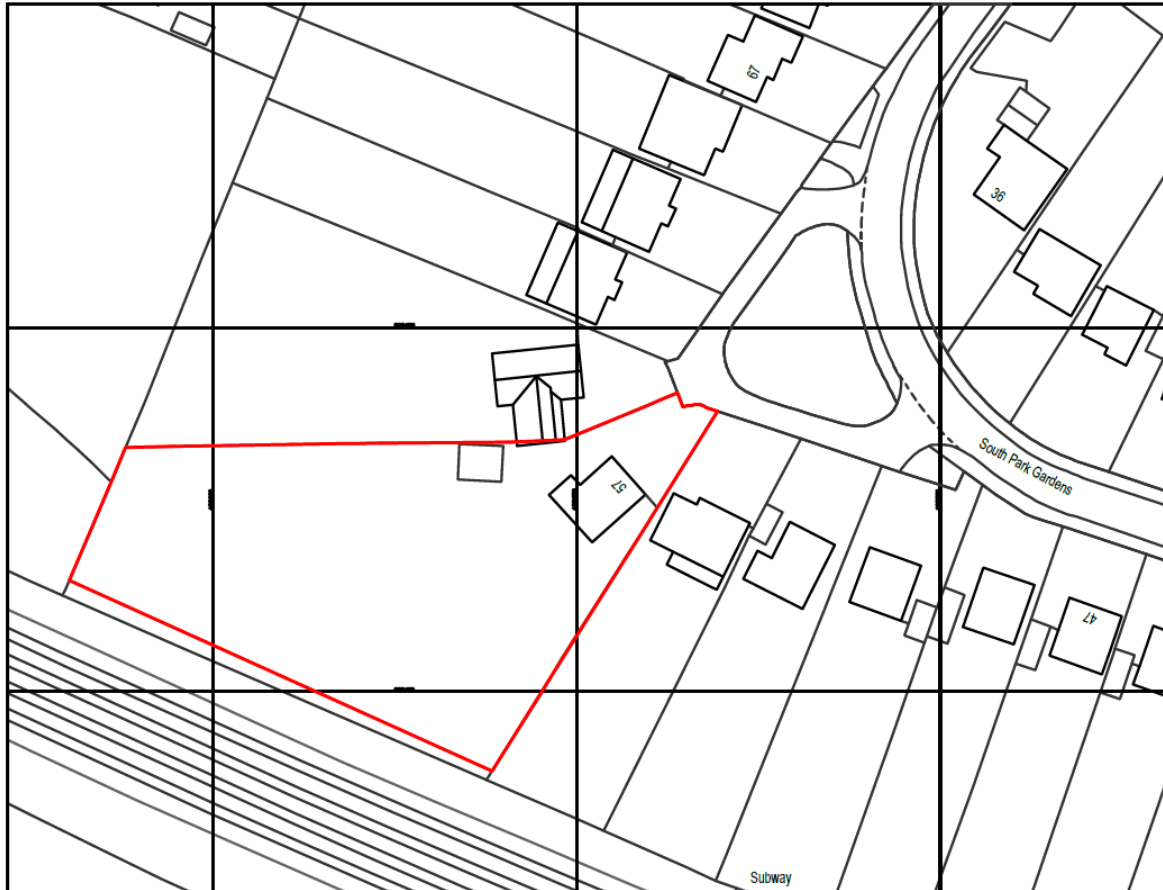
The Meeting ended at 10.34 pm

Agenda Item 5a

Item 5a **4/01866/18/FUL**

Demolition of existing buildings and construction of five 4 bedroom detached dwellings with associated landscaping and access

57 South Park Gardens, Berkhamsted, HP4 1HZ



Item 5a 4/01866/18/FUL

Demolition of existing buildings and construction of five 4 bedroom detached dwellings with associated landscaping and access

57 South Park Gardens, Berkhamsted, HP4 1HZ



ITEM NUMBER: 5a (Part 1 of 2)

4/01866/18/FUL	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF FIVE 4 BEDROOM DETACHED DWELLINGS WITH ASSOCIATED LANDSCAPING AND ACCESS
Site Address	57 SOUTH PARK GARDENS, BERKHAMSTED, HP4 1HZ
Applicant	Mr & Mrs Fullagar, 57 South Park gardens
Case Officer	Jason Seed
Referral to Committee	Objection from Berkhamsted Town Council on the grounds of overdevelopment, impact on the character of the surrounding area, inadequate access, impact on surrounding amenity and impacts of noise on occupiers of the new dwellings.

Note to Members

1.1 The application was originally presented by the Case Officer to the Development Management Committee on 13th June 2019 and was deferred for the reasons detailed in paragraph 1.15 below. Amended proposal plans, Design and Access Statement and Railways Noise Survey and Assessment have been uploaded to the Council's website that provide the clarifications sought by the deferral.

1.2 For the avoidance of doubt, the documents received are titled as follows:

- Drg.HP4/1432 / P/001A (Survey)
- Drg.HP4/1432 / P/01rev K (Site Layout)
- P02 Rev H (Plot 1)
- P03 Rev H (Plot 2)
- P04 Rev H (Plot 3)
- P05 Rev H (Plot 4)
- P06 Rev H (Plot 5)
- P07 Rev H (Garages)
- P08 Rev H (Site Perspectives)
- Railway Noise and Vibration Survey and Assessment
- DLW/KH/7167/L4 dated 05/02/2020
- Planning, Design and Access Statement

1.3 The key points are as follows:

1. Additional garden dimensions have been added centrally to each dwelling's patio doors demonstrating in all instances a garden length greater than the minimum requirements of 11.5m.
2. The distances between the new plot 1 and the existing number 55 is also shown at 2m widening to 2.6m.

3. All separation distances between the proposed dwellings and the existing dwellings are shown to be substantially greater than the minimum standards of 23m
4. The proposed site entrance and access is supported by Hertfordshire Highways
5. The proposed site entrance and access is supported by Dacorum refuse and recycling collections and Building Control regarding access for a fire engine.
6. The proposed house designs have been improved to include smaller first floor windows and with redesigned first floors which all include integrated buffer walling systems within each dwelling which is bespoke to each plot based on its site orientation.
7. DBC's Lead Environmental Health Officer is in support to the proposed enhanced floor plans, wall constructions, glazing and mechanical heat recovery specifications. This will be controlled by Condition - see amended Planning Statement para 6.18
8. DBC's Lead Environmental Health Officer is in support to the proposed boundary and inter-plot acoustic fencing as designed in a coloured noise model by AIRO. This will be controlled by Condition - see amended Planning Statement para 6.19

1.4 The Case Officer report remains unchanged, although should the application be approved, the following conditions, recommended by the Council's Environmental Health Officer, would replace Condition 8 which is contained within the report:

Internal Noise Mitigation

No development (excluding demolition) shall take place until a scheme for protecting the development from railway noise has been submitted to and approved by the local planning authority. Such a scheme shall include details to suitably control external noise ingress in conjunction with adequate ventilation and mitigation of overheating. In particular this shall address how:

- **The ventilation strategy impacts on the acoustic conditions;**
- **The strategy for mitigating overheating impacts on the acoustic conditions.**

The scheme shall be compiled by appropriately experienced and competent persons. The approved scheme shall be implemented prior to first occupation and retained thereafter.

Reason: To ensure that the amenity of future occupiers is protected in accordance with Paragraph 170 of the National Planning Policy Framework.

External Noise Mitigation

To ensure protection of garden spaces from railway noise, the following mitigation measures shall form part of the development hereby approved:

- **Installation of a 2.5 metre high acoustic barrier parallel to the railway boundary;**

- Installation of 1.8 metre high fences along the north and south boundaries;
- To each plot a screened garden area consisting of a 3 metre high screen around garden areas extending out from each house, which comprises a 1 metre high brick wall (or equivalent material) with a 2 metre glass / Perspex transparent panel above.

Reason: To ensure that the amenity of future occupiers is protected in accordance with Paragraph 170 of the National Planning Policy Framework.

Minutes from Development Management Committee Thursday, 13th June, 2019

1.5 Councillor Beauchamp arrived at 19:19 and, therefore, did not participate or vote on Item 5a.

1.6 The Case Officer, Jason Seed, introduced the report to members and said that the application had been referred to committee due to objection from Berkhamsted Town Council on the grounds of overdevelopment, impact on the character of the surrounding area, inadequate access, impact on surrounding amenity and impacts of noise on occupiers of the new dwellings.

1.7 Martin Allen spoke in objection of the application.

1.8 Berkhamsted Town Councillor Anthony Armytage spoke in objection of the application.

1.9 Richard Farris and Krzys Lipinski spoke in support of the application.

1.10 It was proposed by Councillor Riddick and seconded by Councillor Birnie to **GRANT** the application in line with the officer's recommendation.

1.11 Vote: For: 3 Against: 5 Abstained: 1

1.12 Councillor Wyatt-Lowe noted that the recommendation falls and asked for a motion to **REFUSE**.

1.13 Councillor Wyatt-Lowe asked for grounds for **REFUSAL**.

1.14 It was instead proposed by Councillor Riddick and seconded by Councillor Birnie to **DEFER** the application to allow for further information regarding the acoustic fencing as well as clarification on measurements on garden depths. Vote:

1.15 For: 8 Against: 0 Abstained: 2

1.16 Resolved: That planning permission be **DEFERRED**.

2. Community Comments Received in Response to Final Consultation

2.1 Thirteen (13) objections from properties in South Park Gardens were received in response to the final consultation. These are provided in full below:

6 South Park Gardens, Berkhamsted, Hertfordshire HP4 1JA

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Conflict with local plan
- Inadequate access
- Increase in traffic
- Out of keeping with character of area
- Over development
- Traffic or Highways

Comments: 16th March 2020

RE: 4/01866/18/FUL

Demolition and construction of 5 Houses at 57 South Park Gardens

I am writing again to object strongly to this planning application on the following grounds:

1. The application site falls within a locally designated character area 'Castle Hill Berkhamsted character area 13 (BCA 13). This is described in the area-based policies (adopted as supplementary planning guidance) as very low density post war estate featuring strong building lines and uniform spacing between buildings. It is classed as an area of minimal change where there will be limited opportunities for infilling but where redevelopment will not be permitted.

2. I am of the opinion that the proposed development would cause significant harm to the character and appearance of the area in contravention of core strategy policies - CS11 and CS12 & local planning policy 10 and the council's area based policies supplementary planning guidance, as well as contravening national policy planning policy as set out in the framework.

- Policy CS 11 of the adopted core strategy seeks to ensure that redevelopment respects the typical density spacing and general character of settlements and neighbourhoods, preserves attractive streetscapes and avoids large areas dominated by car parking.

- Policy CS 12 requires development to integrate with the streetscape character and respect adjoining properties in terms of such matters such as layout, site coverage, landscape and amenity space.

- Saved Local Plan Policy 10 stresses the need to take account of such matters as the character of the area and surrounding land uses.

- Although Saved Local Plan Policy 21 promotes the efficient use of land, development will not be permitted if it would adversely affect the amenity and/or existing character of the surrounding area.

3. The established local street pattern is dominated by deep frontages and houses set in long garden plots. Conversely the proposed redevelopment of 57 South Park gardens lacks frontage depth (especially on plot one) and sets the dwellings in relatively shallow garden plots. The Crescent shaped cul-de-sac this would create bears no relationship whatsoever to the traditional linear form of the surrounding Street pattern and creates an island of high-density urban housing within the locally distinctive and low density suburban surroundings. In summary the proposal fails to conserve the defining characteristics of the local character of the area and is in direct contravention of BCA 13.

4. In design terms the open plan layout of proposal contrasts poorly with the traditional form and layout of existing houses/plots. It suffers from an excess of hard surface car parking which results in poor quality frontage of the new houses. Due to the tapering shape of the site the proposed dwelling on plot 1 is tightly positioned into the corner of the plot in a cramped and contrived manner and is too close to the neighbouring property at no. 55.

5. Overall this form of secondary Cul-de-Sac development is fundamentally opposed to the established street pattern which has remarkably little infilling or subdivision the area based policies clearly seek to preserve this locally distinctive characteristic otherwise it would not be so clearly stated in the supplementary planning guidance that redevelopment will not be permitted within BCA 13. Approval will be in direct conflict with this policy and would undermine the established Street pattern and would make it difficult for the council to resist similar forms of redevelopment in the future.

6. Whilst noting general policies for optimising the use of previously developed land it should be noted that 'garden land' is excluded from the governments definition of previously developed land. National policy as set out in the national policy planning framework states that the appropriate density of new development should take account of the desirability of maintaining an area's prevailing character and setting including residential gardens. Furthermore the inappropriate development of residential gardens should be resisted where, as here, this would cause harm to the local area.

7. We have further concerns in relation to highway safety that the proposal would intensify the use of existing substandard highway within South Park gardens which is limited to as little as 3.1 meters (shown as 3.5M on architects plan!) in the immediately joining sections of the carriage way. The proposal would therefore increase the danger to vehicle traffic, pedestrians and other road users to the detriment of highway safety and contrary to the requirements of core strategy policy CS12 and local plan policies 51 and 54 (that these require the provision of safe and satisfactory means of access to the new development)

8. We have concerns about the proximity of the site to the adjoining West Coast mainline railway. It seems to us that this would expose potential future occupiers to the proposed development to an unreasonable risk in the event of a derailment or other accident. Another further concern is also the noise levels whilst significant specialist sound insulation an associated ventilation would be required to achieve acceptable noise levels internally the new provisions of an effective acoustic barrier would not mitigate the noise levels due to the height of the railway line above the

gardens. The main amendment to the planning application (items 6.18 and 6.19) of the design and access statement and the inclusion of a sound report which comments on the effect of the proposed acoustic fencing. This report refers to 'external noise levels are an existing situation which affect the existing garden and gardens of neighbouring properties'. The report does not clarify that a number of the proposed properties are within 10/11 meters of the railway boundary whilst existing properties are much further away from the railway. Furthermore the railway is elevated approximately 3 metres above the proposed gardens which will render the proposed acoustic barriers ineffective - the report is misleading.

9. Section 5.7 of the design and access statement identifies the aim of planning policies and decisions to ensure the developments

- function well and add to the overall quality of the area
 - establish a strong sense of space
 - create safe and accessible environments
 - respond to local character
 - are visually attractive as a result of good architecture and appropriate landscape
- This development's design does not answer any of these requirements satisfactorily.

10. Taken as a whole we are of the opinion that the proposed development would lead to gross overdevelopment of this relatively small and constrained site causing severe and substantial harm to the character appearance and amenities of the local area in clear contravention of adopted development plan and national planning policies as outlined in this letter.

12 South Park Gardens, Berkhamsted, Hertfordshire HP4 1JA

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Development too high
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Out of keeping with character of area
- Traffic or Highways

Comments: The revised application does not address the main problem: over development of a small site. The parking is inadequate, and will invariably lead to parking on the green area in front of the development, which is there for the benefit of all the residents in the gardens.

The density of the development means there will be an inevitable increase in the traffic and noise in the road.

16 South Park Gardens, Berkhamsted, Hertfordshire HP4 1JA

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Conflict with local plan
- Inadequate access
- Loss of privacy
- Out of keeping with character of area
- Over development

Comments: We are the occupiers of 16 South Park Gardens and would like to raise objection to the above planning application for the demolition of the existing buildings and construction of five 4-bedroom detached dwellings with associated landscaping and access.

In general terms, whilst planning policies broadly support new residential development within urban areas and seek to make the most effective use of previously developed land, other policies emphasise the importance of protecting local character and amenities.

Policy CS11 of the adopted Core Strategy seeks to ensure that development respects the typical density, spacing and general character of settlements and neighbourhoods, preserves attractive streetscapes and avoids large areas dominated by car parking.

Policy CS12 requires development to integrate with the streetscape character and respect adjoining properties in terms of such matters as layout, site coverage, landscape and amenity space.

Saved Local Plan Policy 10 stresses the need to take account of such matters as the character of the area and surrounding land uses. Although saved Local Plan Policy 21 promotes the efficient use of land, development will not be permitted if it would adversely affect the amenity and/or existing character of the surrounding area.

You will be aware that the application site falls within a locally designated character area, Castle Hill, Berkhamsted Character Area 13 (BCA13). This is described in the area-based policies, adopted as Supplementary Planning Guidance, as a very low-density post-war estate featuring strong building lines and largely uniform spacing between buildings. It is classed as an area of minimal change where there may be limited opportunities for infilling but where redevelopment will not be permitted (our emphasis).

The well-established local street pattern is dominated by deep frontages and dwellings set in long garden plots. Conversely, the proposed redevelopment of 57 South Park Gardens lacks comparable frontage depth, particularly on Plot 1, and sets the

dwellings in relatively shallow garden plots. The crescent shaped cul-de-sac this would create bears no relationship whatsoever to the traditional linear form of the surrounding street pattern and effectively creates an island of relatively high density urban housing within the locally distinctive and relatively low density suburban surroundings. In short, the proposal singularly fails to conserve the defining characteristics of the local character area.

In design terms, the open plan layout of the proposal contrasts poorly with the traditional form and layout of existing surrounding dwellings, whereby there is clear visual separation between dwellings and clear physical demarcation between building plots. The layout of the proposal also suffers from an excess of hard surfaced car parking, which results in a poor quality frontage dominated by car parking. Due to the tapering shape of the site, the proposed dwelling on Plot 1 is tightly positioned into the corner of the plot in a cramped and highly contrived manner, reinforcing the undesirable impression of town cramming.

Overall, this form of secondary cul-de-sac development is fundamentally at variance with the established street pattern, whereby remarkably little infilling or subdivision has occurred behind the primary building lines. The area-based policies clearly seek to preserve this locally distinctive characteristic, otherwise it would not be so clearly stated in the SPG that redevelopment will not be permitted within BCA13. Approval would be in direct conflict with these policies and would not only undermine the established street pattern within South Park Gardens but would make it difficult for the Council equitably to resist similar forms of redevelopment in the future, leading to the further cumulative erosion of the area's locally distinctive character.

Moreover, whilst noting general policies for optimising the use of previously developed land, it should be noted that garden land is excluded from the government's definition of previously developed land. National policy, as set out in the National Planning Policy Framework, clearly states that the appropriate density of new development should take account of the desirability of maintaining an area's prevailing character and setting, including residential gardens. Furthermore, the inappropriate development of residential gardens should be resisted where, as here, this would cause harm to the local area.

We are therefore of the opinion that the proposed development would cause significant harm to the character and appearance of the area, in contravention of Core Strategy Policies CS11 and CS12, Local Plan Policy 10 and the Council's area-based policies SPG, as well as contravening national planning policy as set out in the Framework.

We are equally concerned about the adverse effect the proposal would have on the amenities of neighbouring properties. In particular, the proposal would introduce a significantly increased density of development into what is fundamentally an area of private rear garden land. This would lead to a significant intensification of use, increasing noise and disturbance to adjoining rear gardens, to the detriment of the amenities of existing residents. The proposal would also increase overlooking and restrict light and outlook to adjoining homes and gardens.

In all these respects, the proposal conflicts with Core Strategy Policy CS12 and Local Plan Policy 21. Neither does the proposal satisfy the requirements of the National

Planning Policy Framework, which makes it clear that a good standard of amenity should always be secured for existing and future occupiers of land and buildings.

We have further concerns in relation to highway safety. In particular, we are concerned that the proposal would intensify the use of the existing sub-standard highway within South Park Gardens, which is limited to as little as 3.5m in width along immediately adjoining sections of the carriageway. The proposal would therefore increase the danger to vehicular, pedestrian and other road users, to the detriment of highway safety and contrary to the requirements of Core Strategy Policy CS12 and Local Plan Policies 51 and 54, insofar as these require the provision of a safe and satisfactory means of access to new development.

We also have concerns about the proximity of the site to the adjoining West Coast Mainline railway. It seems to us that this would expose potential future occupiers of the proposed development to an unreasonable degree of risk in the event of a derailment or other accident on the adjacent railway line.

Taken as a whole, we are firmly of the opinion that the proposed development would lead to the gross overdevelopment of this relatively small and constrained site, causing severe and substantial harm to the character, appearance and amenities of the local area in clear contravention of adopted development plan and national planning policies.

We urge you to uphold those policies and refuse the application accordingly.

21 South Park Gardens, Berkhamsted, Hertfordshire HP4 1JA

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Conflict with local plan
- Inadequate access
- Increase in traffic
- Out of keeping with character of area
- Over development

Comments: I am writing again to object strongly to this planning application on the following grounds:

- It falls within a locally designated character area 'Castle Hill Berkhamsted character area 13 (BCA 13). This is described in the area-based policies (adopted as supplementary planning guidance) as very low density post war estate featuring strong building lines and uniform spacing between buildings. It is classed as an area of minimal change where there will be limited opportunities for infilling but where redevelopment will not be permitted. The proposed development would cause significant harm to the character and appearance of the area in contravention of core strategy policies - CS11 and CS12 & local planning policy 10 and the council's area

based policies supplementary planning guidance, as well as contravening national policy planning policy as set out in the framework.

- Policy CS 11 of the adopted core strategy seeks to ensure that redevelopment respects the typical density spacing and general character of settlements and neighbourhoods, preserves attractive streetscapes and avoids large areas dominated by car parking.

- Policy CS 12 requires development to integrate with the streetscape character and respect adjoining properties in terms of such matters such as layout, site coverage, landscape and amenity space.

- Saved Local Plan Policy 10 stresses the need to take account of such matters as the character of the area and surrounding land uses.

- Although Saved Local Plan Policy 21 promotes the efficient use of land, development will not be permitted if it would adversely affect the amenity and/or existing character of the surrounding area. The established local street pattern is dominated by deep frontages and houses set in long garden plots. Conversely the proposed redevelopment of 57 South Park gardens lacks frontage depth (especially on plot one) and sets the dwellings in relatively shallow garden plots.

- The proposed cul-de-sac bears no relationship whatsoever to the traditional linear form of the surrounding street pattern and creates an island of high-density urban housing within the locally distinctive and low density suburban surroundings.

In summary the proposal fails to conserve the defining characteristics of the local character of the area and is in direct contravention of BCA 13.

In design terms the open plan layout of proposal contrasts poorly with the traditional form and layout of existing houses/plots.

- It suffers from an excess of hard surface car parking which results in poor quality frontage of the new houses.

- Due to the tapering shape of the site the proposed dwelling on plot 1 is tightly positioned into the corner of the plot in a cramped and contrived manner and is too close to the neighbouring property at no. 55.

Overall this form of secondary Cul-de-Sac development is opposed to the established street pattern which has remarkably little infilling or subdivision that the area based policies clearly seek to preserve. Approval will be in direct conflict with policy BCA 13 and would undermine the established Street pattern and would make it difficult for the council to resist similar forms of redevelopment in the future.

Whilst noting general policies for optimising the use of previously developed land it should be noted that 'garden land' is excluded from the governments definition of previously developed land. National policy as set out in the national policy planning framework states that the appropriate density of new development should take account of the desirability of maintaining an area's prevailing character and setting including residential gardens. Furthermore the inappropriate development of residential gardens should be resisted where, as here, this would cause harm to the local area.

We have further concerns in relation to highway safety that the proposal would intensify the use of existing substandard highway within South Park gardens which is limited to as little as 3.1 meters (shown as 3.5M on plan) in the immediately joining sections of the carriage way. The proposal would therefore increase the danger to vehicle traffic, pedestrians and other road users to the detriment of highway safety and contrary to the requirements of core strategy policy CS12 and local plan policies 51 and 54 (that these require the provision of safe and satisfactory means of access to the new development)

We have concerns about the proximity of the site to the adjoining West Coast mainline railway as this would expose potential future occupiers to the proposed development to an unreasonable risk in the event of a derailment or other accident.

Another further concern is also the noise levels whilst significant specialist sound insulation and associated ventilation would be required to achieve acceptable noise levels internally the new provisions of an effective acoustic barrier would not mitigate the noise levels due to the height of the railway line above the gardens. The main amendment to the planning application (items 6.18 and 6.19) of the design and access statement and the inclusion of a sound report which comments on the effect of the proposed acoustic fencing. This report refers to 'external noise levels are an existing situation which affect the existing garden and gardens of neighbouring properties'. The report does not clarify that a number of the proposed properties are within 10/11 meters of the railway boundary whilst existing properties are much further away from the railway. Further the railway is elevated approximately 3 metres above the proposed gardens which will render the proposed acoustic barriers ineffective - the report is misleading.

It is our view that the proposed development would lead to gross overdevelopment of this relatively small and constrained site causing severe and substantial harm to the character appearance and amenities of the local area in clear contravention of adopted development plan and national planning policies as outlined in this letter.

25 South Park Gardens, Berkhamsted, Hertfordshire HP4 1JA

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Other - give details
- Out of keeping with character of area
- Traffic or Highways

Comments: the proposed development has a very narrow access to the properties at the rear of the development . If each proposed new property has 2 vehicles each then I am concerned that the access will regularly overs-spill into the main road of SPG (rather than the access road near the open space). Any visitors and deliveries

will like wise add extra parked vehicles to what is already quite a dangerous corner in SPG. There already are frequent occasions when vehicles coming from opposite directions around the corner on the main road outside No,57 cause a danger to pedestrians and cyclists.

The proposed development is quite out of character to the rest of the current buildings in SPG - they will be tightly packed with very little land.

I am also concerned that the proposed development will result in poor quality drainage due to their location at the foot of the slope and removal of what is currently drain away area. Once this is built upon and paved over for parking purposed then the flood potential will be much more significant.

28 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- More open space needed on development
- Out of keeping with character of area
- Over development
- Strain on existing community facilities
- Traffic or Highways

Comments: The revised plans do not address any of the previous objections raised to the proposed redevelopment.

To be clear, the three key points of objection are that the development is out of character with the surrounding area, and is not permitted under the terms of the Designated Character Area 13; that the existing roads cannot support the development; and that the revised plans do not address the previously raised concerns over noise levels.

1) The proposed development is out of character with the surrounding area. The application falls within a locally designated character area, Castle Hill, Berkhamsted Character Area 13. Key points are: (a) very low-density housing; (b) strong building lines and largely uniform space between buildings. South Park Gardens is characterised by houses with deep frontages and long gardens. The proposed development has minimal frontage depth and shallow gardens. It would create an area of relatively high density housing. In summary, the proposed developments are the antithesis of the local character area.

2) The highways of South Park Gardens cannot support the new development
The plans inaccurately depict the local roads. South Park Gardens currently has a sub-standard highway (3.1m in places (as measured locally) rather than the 3.5m depicted in the plans). The proposed new development would increase traffic and on-street parking, both of which would increase danger to pedestrians and vehicles. In particular, access to the proposed development would be through the single track road to the rear of the garden triangle, which is hopelessly inadequate for the traffic generated by five new multi-car properties.

The proposed development is therefore contrary to Core Strategy Policy CS12 and Local Plan Policies 51 and 54, as these require safe and satisfactory means of access to a new development.

3) The proposed new dwellings would be exposed to excessive railway noise
We note that the revised proposals include a sound report which comments on the effect of the proposed acoustic fencing. It notes that existing noise affects other gardens on the street. While true, this is disingenuous. The issue is with the fact that a number of the proposed dwellings are within 12 meters of the railway boundary; all existing dwellings on the street are far further away. We would also note that the railway itself is elevated 3 meters above the proposed new dwellings. This will clearly render the barriers ineffective. In summary, the report is irrelevant at best and misleading at worst.

30 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Conflict with local plan
- Development too high
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Information missing from plans
- Not enough info given on application
- Other - give details
- Out of keeping with character of area
- Over development
- Traffic or Highways

Comments: Main objections are plans are deliberately misleading.

1) Access road to site is only 3.1m wide which has no pavement & surrounds a green play area (Measurement on plan lists 4.5m access which is probably main road & 3.1m Access road shown on plan with line down the middle to mislead it's a 2 lane road).

2) Proposed acoustic 3m fence not showing train track is on a raised embankment so will have no effect as trains will be above it.

3) Plans showing all houses over legal minimum distance from train tracks but measurements all misleading as measured from the angles houses are set at & not the correct distance from the Track.

All the houses currently are equally spaced on South Park Gardens, have large/front & rear gardens with adequate off street parking for all that live in them & visit.

32 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

1. The following objections to the above planning proposal is made on behalf of many of the residents of South Park Gardens in consultation with Humphreys & Co.

2. In general terms, whilst planning policies broadly support new residential development within urban areas and seek to make the most effective use of previously developed land, other policies emphasise the importance of protecting local character and amenities.

3. Policy CS11 of the adopted Core Strategy seeks to ensure that development respects the typical density, spacing and general character of settlements and neighbourhoods, preserves attractive streetscapes and avoids large areas dominated by car parking.

4. Policy CS12 requires development to integrate with the streetscape character and respect adjoining properties in terms of such matters as layout, site coverage, landscape and amenity space.

5. Saved Local Plan Policy 10 stresses the need to take account of such matters as the character of the area and surrounding land uses. Although saved Local Plan Policy 21 promotes the efficient use of land, development will not be permitted if it would adversely affect the amenity and/or existing character of the surrounding area.

6. You will be aware that the application site falls within a locally designated character area, Castle Hill, Berkhamsted Character Area 13 (BCA13). This is described in the area-based policies, adopted as Supplementary Planning Guidance, as a very low-density post-war estate featuring strong building lines and largely uniform spacing between buildings. It is classed as an area of minimal change where there may be limited opportunities for infilling but where redevelopment will not be permitted (our emphasis).

7. The well-established local street pattern is dominated by deep frontages and dwellings set in long garden plots. Conversely, the proposed redevelopment of 57 South Park Gardens lacks comparable frontage depth, particularly on Plot 1, and sets the dwellings in relatively shallow garden plots. The crescent shaped cul-de-sac this would create bears no relationship whatsoever to the traditional linear form of the surrounding street pattern and effectively creates an island of relatively high density urban housing within the locally distinctive and relatively low density suburban surroundings. In short, the proposal singularly fails to conserve the defining characteristics of the local character area.

8. In design terms, the open plan layout of the proposal contrasts poorly with the traditional form and layout of existing surrounding dwellings, whereby there is clear visual separation between dwellings and clear physical demarcation between building plots. The layout of the proposal also suffers from an excess of hard surfaced car parking, which results in a poor quality frontage dominated by car parking. Due to the tapering shape of the site, the proposed dwelling on Plot 1 is tightly positioned into the corner of the plot in a cramped and highly contrived manner, reinforcing the undesirable impression of town cramming.

9. Overall, this form of secondary cul-de-sac development is fundamentally at variance with the established street pattern, whereby remarkably little infilling or subdivision has occurred behind the primary building lines. The area-based policies clearly seek to preserve this locally distinctive characteristic, otherwise it would not be so clearly stated in the SPG that redevelopment will not be permitted within BCA13. Approval would be in direct conflict with these policies and would not only undermine the established street pattern within South Park Gardens but would make it difficult for the Council equitably to resist similar forms of redevelopment in the future, leading to the further cumulative erosion of the area's locally distinctive character.

10. Moreover, whilst noting general policies for optimising the use of previously developed land, it should be noted that garden land is excluded from the government's definition of previously developed land. National policy, as set out in the National Planning Policy Framework, clearly states that the appropriate density of new development should take account of the desirability of maintaining an area's prevailing character and setting, including residential gardens. Furthermore, the inappropriate development of residential gardens should be resisted where, as here, this would cause harm to the local area.

11. We are therefore of the opinion that the proposed development would cause significant harm to the character and appearance of the area, in contravention of Core Strategy Policies CS11 and CS12, Local Plan Policy 10 and the Council's area-based policies SPG, as well as contravening national planning policy as set out in the Framework.

12. We are equally concerned about the adverse effect the proposal would have on the amenities of neighbouring properties. In particular, the proposal would introduce a significantly increased density of development into what is fundamentally an area of private rear garden land. This would lead to a significant intensification of use, increasing noise and disturbance to adjoining rear gardens, to the detriment of the amenities of existing residents. The proposal would also increase overlooking and restrict light and outlook to adjoining homes and gardens.

13. In all these respects, the proposal conflicts with Core Strategy Policy CS12 and Local Plan Policy 21. Neither does the proposal satisfy the requirements of the National Planning Policy Framework, which makes it clear that a good standard of amenity should always be secured for existing and future occupiers of land and buildings.

14. We have further concerns in relation to highway safety. In particular, we are concerned that the proposal would intensify the use of the existing sub-standard

highway within South Park Gardens, which is limited to as little as 3.1m in width (as measured on site, shown incorrectly as 3.5m on the plans) along immediately adjoining sections of the carriageway. The proposal would therefore increase the danger to vehicular, pedestrian and other road users, to the detriment of highway safety and contrary to the requirements of Core Strategy Policy CS12 and Local Plan Policies 51 and 54, insofar as these require the provision of a safe and satisfactory means of access to new development.

15. We also have concerns about the proximity of the site to the adjoining West Coast Mainline railway. It seems to us that this would expose potential future occupiers of the proposed development to an unreasonable degree of risk in the event of a derailment or other accident on the adjacent railway line.

16. Of further concern is the fact, as shown by the Applicant's own noise assessment, that external noise levels, at 67 dB LAeq exceed the upper guidance limit of 55 dB LAeq by fully 12 dB, whilst significant specialist sound insulation and associated ventilation would be required to achieve acceptable noise levels internally, meaning that occupiers would not be able to open the windows without exposing themselves to the same excessive noise levels.

17. The provision of an effective acoustic barrier has been shown in the same report to be impractical, owing to the location of the railway embankment outside the application site and the height that such a barrier would need to be built to provide sufficient mitigation to achieve minimum acceptable standards. This indicates that a satisfactory standard of amenity cannot be achieved for potential future occupiers of the proposed development, contrary to Core Strategy Policy CS12 and Local Plan Policy 21. Neither does the proposal comply with the requirements of the National Planning Policy Framework, since it has not been demonstrated that the proposal would adequately mitigate noise to prevent significant adverse impacts on health and quality of life. In such cases, the presumption is that planning permission should not be granted.

18. Taken as a whole, we are firmly of the opinion that the proposed development would lead to the gross overdevelopment of this relatively small and constrained site, causing severe and substantial harm to the character, appearance and amenities of the local area in clear contravention of adopted development plan and national planning policies.

19. We urge you to uphold those policies and refuse the application accordingly.

55 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Affect local ecology
- Close to adjoining properties
- Development too high
- General dislike of proposal

- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of light
- Loss of parking
- Loss of privacy
- Out of keeping with character of area
- Over development
- Residential amenity
- Strain on existing community facilities
- Traffic or Highways

Comments: I firmly object to the proposed over development. To build 5 detached houses in the back garden of 57 South Park Gardens undermines the aims of Dacorum planning policies.

It really does not enhance the quality of the area. 5 houses in this small space is over crowded and is an over development particularly compared to the existing density currently in SPG. Access to the site is unsafe owing to the 3m width of the road around the grass common which was designed for existing dwellings. The over development is utterly out of character with the rest of SPG. The proposed houses are incredibly close to the railway line (within 10 to 11m). I live at no.55 immediately next door and the railway is close enough! It is very noisy even now at my distance away approx 50m from the railway. The proposed fence will NOT be effective in adequately reducing the noise from the railway as the railway is much higher than the gardens, this seems illogical!?. This is not mentioned in the acoustic report. Due to the railway being much higher than the proposed gardens the residents in the proposed houses will be exposed to pollution caused by brake dust from trains slowing down the station. This will hugely increase risk of asthma and other respiratory illness. The proposal is detrimental to the amenity of the other residents within SPG. There is no pavement access to the development which has a blind entrance owing to the change in elevation. This will be particularly dangerous for children walking to school or playing on the green. There is a vast amount of opposition to this proposal the majority of the streets residents who will be greatly affected by this. I really do hope the councilors decline/deny this application on the above reasoning.

59 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Conflict with local plan
- Development too high
- General dislike of proposal
- Inadequate access
- Increase in traffic
- Increase of pollution

- Information missing from plans
- Loss of privacy
- Out of keeping with character of area

Comments: A summary of our main objections are as Follows.

1 Density - This has been everyones main complaint from the start - Residents and Town Council alike

CS11 requires Density of 15 pha. this is at 19.23.. at 15 this would be 3 houses which would be much more acceptable.

This development is pure Garden Grabbing for personal gain at the expense of current residents of the road.

Whilst we all appreciate the need for more housing in the town and the Planning Policy is to make use of Urban Land, This is and can be achieved on sites like Bearoc park etc NOT cramming 5 units into a small Residential Garden.

2 . Access - The current Access is for 6 properties at both ends of SPG and not designed for 4 more houses. It is stated in the Report the development is to be served by a 2 way 4.8m road. Whilst this is correct nowhere does this take into account that to get to this road is via a one car width 3.1 m road ! (not 3.5 as stated on the drawings !). This is all very misleading and I am very surprised Highways have approved this when looked at as a whole and not the site in isolation. We have never been privy to this report.

Also due to the narrowness and geographical layout of this road the access for Refuse Vehicles and Emergency Services is greatly restricted already without the additional impact of a further 12 possible car movements.

3 Noise - The Requirements of planning require 11.5 m gardens as a minimum. Plots 3 / 4 fall woefully short of this. And put the houses extremely close to the Railways line.

These are meant to be Family houses but as pointed out in the Noise report the Upper guidance for noise is 55db. The site is at 67db so falls woefully short. The noise for families in the gardens would be intolerable. And whilst additional glazing etc in the house is proposed residents would never be able to any windows open.

The Acoustic fence is noted at 3m BUT should be 5 m as required . Though we wonder where this is to be sited ? if at bottom of railway embankment will offer no reduction at all if 3m high.

4 Design - Whilst the designs are not in keeping with the majority of the Street scene of Chalet style houses the big issue is overlooking from 1st floor Bedroom Windows, Plots 2 / 3 / 4 / 5 all have direct views over the garden and rear of no 59 whilst Plot 1 looks directly into no 55 garden. So complete invasion of current private amenity space has been compromised.

61 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- General dislike of proposal
- Inadequate access
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Out of keeping with character of area
- Over development

Comments: I wish to object to the above application 4/01866/18/FUL 57 South Park Gardens Berkhamsted HP4 1HZ.

The revised application does not change anything apart from small details.

The proposal is completely out of character with the area and represents a big over development of the site which has very restricted access via a single track road, which does not have a footpath. The increased volume of traffic will be a distinct hazard to pedestrians particularly those with children.

The proposed dwellings are very close to the intensively utilised main West Coast railway line and the proposed 3m noise barrier will be largely ineffective as the railway track is on an substantial embankment at that point.

The Application Design and Access Statement Clause 2.2 in part refers to:-
"An extensive tree screen is situated on the rear boundary with the railway line"

This seems no longer to be the case.

63 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Development too high
- Inadequate access
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Noise nuisance
- Out of keeping with character of area
- Over development
- Residential amenity
- Strain on existing community facilities
- Traffic or Highways

Comments: I strongly object to the proposed over development. To build 5 detached houses in the back garden of 57 South Park Gardens undermines the aims of Dacorum planning policies.

It certainly does not enhance the quality of the area.
5 houses in this small space is very crowded and is an over development particularly compared to the existing density.

Access is unsafe owing to the 3m width of the road around the green which was designed for existing dwellings.

The over development is totally out of character with the rest of South Park Gardens.

The proposed houses are extremely close to the railway line some within 10 to 11m. This is much closer than any of the existing houses which are approximately 50m from the railway.

The proposed fence will not be effective in adequately reducing the noise from the railway as the railway is much higher than the gardens. This is something the acoustic report does not appear to take into account.

As the railway is much higher than the proposed gardens the occupants within the gardens will be exposed to pollution caused by brake dust from trains slowing down for Berkhamsted Station. This will particularly affect children who will be liable to a greatly increased risk of asthma and other respiratory illness.

The proposal is harmful to the amenity of the other residents within South Park Gardens.

There is no pavement access to the proposed development which has a blind entrance owing to the change in elevation. This will be particularly dangerous for children walking to school or playing on the green.

There is an overwhelming groundswell of opposition to this scheme from the vast majority of the other residents who will be greatly affected by this.

I urge the councilors to refuse this application on the above grounds.

65 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Conflict with local plan
- General dislike of proposal
- Inadequate access
- Increase in traffic
- Increase of pollution

- Out of keeping with character of area
- Over development
- Strain on existing community facilities

Comments: The objections to this marginally revised scheme are as for the initial proposals, and as have been widely voiced by the numerous previous and reiterated objections.

It is a very significant over-development of the site, completely out of character with the remainder of South Park Gardens.

As others have noted the small single lane "roadway" that runs around the small green is not sufficient to accommodate a significant increase in traffic.

The front garden to No 59 will have an immediately adjacent roadway to the south side; drawing a few trees/ shrubs on the "proposed" plan does not alleviate this. Immediately adjacent traffic will be extremely detrimental to No 59, possibly even causing physical damage to the property.

The front gardens to 55 and 59 will invariably be constantly damaged by vehicles turning from the existing "roadway" into the new roadway. No doubt the developer is already heavily invested in this scheme; frankly that is their choice and their problem. If approved this scheme will leave a permanent detrimental legacy in South Park Gardens. The scheme should be rejected.

3. Berkhamsted Town Council / Technical Comments in Response to Final Consultation

Berkhamsted Town Council

This application has twice been deferred at Development Management in June and July 2019 for further consideration of measures to address noise as site is adjacent to the railway line.

Abstract from comments to earlier application: The Committee emphasised that the Noise Report supports its view that the noise in the rear gardens would be excessive and very large acoustic fences would need to be erected as a result.

This is the same application previously objected to by BTC but updated with further acoustic studies and with proposals for acoustic walls to reduce noise levels – including in gardens. Councillors remain sceptical that the proposed acoustic walls will reduce noise levels to overcome concerns.

BTC has previously objected on grounds of over development and out of character with Character Area, as well as noise issues. Development Management had not commented on these aspects before the application plan was deferred. Noted that the density, orientation and spacing of the dwellings broadly comply with Policies.

Noted that drawings show no footways from the access point [and these are to be family homes] hence on safety grounds.

Objection. CS12 a)

Affinity Water Received 05/03/2020

Re-iteration of previous comments as reported.

Environmental Health Technical Officer (Contamination) Received 12/03/2020

Re-iteration of previous comments as reported. No change to conditions.

Cupid Green Depot Received 06/03/2020

Each house should have sufficient space to store 3 x wheeled bins and a food caddy with a similar space outside the boundary to present the waste on collection day. The collection vehicles are 26t rigid freighters (approx 11m x 3m) with limited manoeuvrability and will require suitable access.

Lead Environmental Health Officer Received 16/03/2020

I've put forward 2 conditions, one for internal noise and one for external noise.

On the internal noise aspect I am referring to additional guidance which captures noise and overheating (AVO guide). For the scenario based on noise levels it is recommended that opening windows are not considered appropriate even for limited durations of use. Still openable for rapid dilution of smells / water vapour / VOCs, but mech cooling to manage thermal comfort. The AIRO report contains suggestive measures how enhanced construction may be achieved, so what I have done is for a mitigation scheme to come forward prior to commencement to finalise this.

With the garden I have been more specific to reference measures suggested. Plans will need to be appropriately referenced to note dimensions and locations (see bullets 1 - 3).

Internal noise mitigation

No development shall take place until a scheme for protecting the development from railway noise has been submitted to and approved by the local planning authority. Such a scheme shall include details to suitably control external noise ingress in conjunction with adequate ventilation and mitigation of overheating. In particular this shall address how:

- The ventilation strategy impacts on the acoustic conditions
- The strategy for mitigating overheating impacts on the acoustic conditions

The scheme shall be compiled by appropriately experienced and competent persons. The approved scheme shall be implemented prior to first occupation and retained thereafter.

External noise mitigation

To ensure protection of garden spaces from railway noise, the following mitigation measures shall form part of the development hereby approved:

- Installation of a 2.5 metre high acoustic barrier parallel to the railway boundary
- Installation of 1.8 metre high fences along the north and south boundaries
- To each plot a screened garden area consisting of a 3 metre high screen around garden areas extending out from each house, which comprises a 1 metre high brick wall (or equivalent material) with a 2 metre glass / Perspex transparent panel above.

The above measures shall be implemented in accordance with the approved plans, prior to first occupation and retained thereafter.

Growth and Infrastructure Officer Received 04/03/2020

Re-iteration of previous comments as reported.

Highway Authority Received 16/03/2020

The highway authority's response is same as before. The proposed amendments has no implication on highway matters.

Thames Water Received 09/03/2020

Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to

demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Supplementary Comments

There are easements and wayleaves running through the site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development. On the Map yellow dashed lines show the easements and wayleaves and the proposed development area is identified by a red outlined box.

The applicant should contact Thames Water to discuss their proposed development in more detail. All enquiries from developers in relation to proposed developments should be made to Thames Waters Developer Services team. Their contact details are as follows:

Thames Water Developer Services
Reading Mail Room
Rose Kiln Court
Rose Kiln Lane
Reading
RG2 0BY
Tel: 0800 009 3921
Email: developer.services@thameswater.co.uk

ITEM NUMBER: 5a (Part 2 of 2)

4/01866/18/FUL	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF FIVE 4 BEDROOM DETACHED DWELLINGS WITH ASSOCIATED LANDSCAPING AND ACCESS
Site Address	57 SOUTH PARK GARDENS, BERKHAMSTED, HP4 1HZ
Applicant	Mr & Mrs Fullagar, 57 South Park gardens
Case Officer	Jason Seed
Referral to Committee	Objection from Berkhamsted Town Council on the grounds of overdevelopment, impact on the character of the surrounding area, inadequate access, impact on surrounding amenity and impacts of noise on occupiers of the new dwellings.

1. Recommendation

1.1 That planning permission be **GRANTED** subject to the conditions which are recommended at the end of this report.

2. Summary

2.1 The application proposes 5 dwellings with associated amenity space and parking within land comprising of an existing residential garden. The development meets with all of the Council's relevant standards in respect of amenity provision, parking and impact upon neighbours and is considered to be policy compliant as discussed within this report.

3. Site Description

3.1 The application site comprises an irregular shaped land parcel which currently serves as rear amenity space for No. 57 South Park Gardens. The site is situated to the immediate north of a railway line and residential properties are located to the immediate north and east. The land to the west / north-west appears to be in recreational use.

4. Proposal

4.1 The application seeks full planning permission for 5 detached two storey properties with associated amenity space and parking.

5. Relevant Planning History

5.1 None.

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy

NP1, CS4, CS8, CS9, CS11, CS12, CS17, CS18, CS27, CS29, CS31, CS32, CS35.

6.3 Saved Policies of the Dacorum Borough Local Plan (DBLP)

10, 12, 13, 15, 18, 21, 51, 55, 62, 100, 116, 118.

7. Constraints

- 45.7M AIR DIR LIMIT
- HALTON DOTTED BLACK
- CIL1
- AREA OF ARCHAEOLOGICAL IMPORTANCE
- EA Source Protection Zones 2 and 3
- Former Land Use
- RAILWAY (100M BUFFER)

7.1 It should be noted that the site is also situated to the immediate east of an area designated Open Land.

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix 2

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and Principle of the Development;
- Design and Density;
- Impact on the Street Scene and Character of the Area;
- Internal Environment;
- Impact upon Neighbouring Properties;
- Access and Impact on Highway Safety / Parking Provision;
- Impacts on Archaeology;
- Amenity Provision;
- Impact on Open land Designation;
- Refuse Storage, Collection and Servicing;
- Land Contamination;
- Trees and Landscaping;

- Source Protection Zones and Drainage;
- Sustainability, and;
- Developer Contributions.

Policy and Principle

9.2 Policy CS1 of the Core Strategy states that the market towns and large villages will accommodate new development for housing provided that it is of a scale commensurate with the size of the settlement and the range of local services and facilities, helps maintain the vitality and viability of the settlement and the surrounding countryside and causes no damage to the existing character of the settlement or its adjoining countryside.

9.3 Furthermore, Policy CS4 states that in the Borough's towns, residential areas appropriate residential development is encouraged.

9.4 It is therefore considered that the principle of the development is acceptable, subject to the satisfactory addressing of other material planning considerations.

Design and Density

9.5 The proposed development is to be accessed via a new 4.8m wide access road which is located within a similar area to the existing access. An existing chalet bungalow and associated outbuilding are to be demolished with the demolished dwelling to be replaced by a new and repositioned unit. Four further dwellings located within a 'horse shoe' configuration will be constructed with off-street parking provided for each unit at the front or side of the relevant dwelling, in addition to 5 garages, one for each unit.

9.6 Each unit is to be provided with private amenity space to the rear and additional trees are proposed within the front of the site to soften the impacts of the proposals and to enhance their overall aesthetic. A refuse collection point is located inside of and adjacent to the site access and boundary treatments are provided, including a 3m high acoustic fence which is to be located along the southernmost boundary to mitigate the noise which emanates from the adjacent train line.

9.7 The house which is proposed to occupy Plot 1 is a two storey, four bedroom detached property which is orientated as such that the side elevation fronts the street scene. The property would have gabled ends and a pitched roof with fenestration which is largely well-proportioned and balanced.

9.8 Plots 2 - 5 will be occupied by dwellings of a more ambitious design, with two-storey front gables, covered porch areas, and well-balanced and proportioned fenestration. The properties would all provide 4 bedrooms and would sit within the site as two 'pairs' which would be separated by two external garages, gates and associated landscaping.

9.9 The site area is 0.26 hectares, with 5 dwellings proposed. This provides a density figure of 19.23 dwellings per hectare (dph).

Impact on Street Scene and Character of the Area

9.10 Policy CS12 of the Core Strategy states that on each site, development should integrate with the streetscape character. Furthermore, Policy CS11 states that within settlements and neighbourhoods, development should respect the typical density intended in an area and enhance spaces between buildings and general character.

9.11 Saved Policy 21 of the DBLP states that careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of the land available. Densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net. Housing proposals will not be permitted if the density of the scheme would adversely affect the amenity and / or existing character of the surrounding area.

9.12 With regards to the street scape character, it is noted that the building which is to be demolished is to be replaced by a gable-ended dwelling, with this end facing the street scene which will minimise the views available of this property and will ensure that its perceived scale is not incongruous with the street scene.

9.13 Partial views of Plots 2 and 3 will be visible from the street scene. However, these are considered to be glimpses, and the ridge heights of these properties will be lower than the property to the immediate north which reduces the perceived scale of these buildings. The proposed 'gap' which would be lost is considered to be minimal and only experienced / evident when viewed directly from the front of the site. As such, the impact of the proposed development upon the street scene is not considered to be significantly adverse. It is considered that a condition requiring the submission of further details in respect of materials is necessary in this instance to ensure a high-quality finish to the development which integrates within the surrounding area.

9.14 The site is situated within the Castle Hill Character Area (BCA13) as defined by the Council's Area Based Policies document. The Character Appraisal for the area states that the density within the area is 'very low' (less than 15 dwellings per hectare). Parking is accommodated within individual private curtilages and infilling may be acceptable, according to the Development Principles.

9.15 The Development Principles state that there are no special design requirements, detached dwellings are encouraged, should not exceed two storeys, medium to large scale houses are appropriate and encouraged, new development should follow the existing layout structure. The building line must be maintained. Spacing should be provided within the medium range (2m to 5m) and the density should be compatible with the character within the existing density range (less than 15 dwellings/ha).

9.16 The proposal will result in a density of 19.23 dph on the application site, which is greater than the preferred density of up to 15dph as suggested in the character appraisal. However, the site density is still below the 30dph advocated under Saved Policy 21 of the Dacorum Local Plan. Furthermore, taken as a whole the dwelling density on South Park Gardens with the proposed development would still be below 15dph.

9.17 Furthermore, both local and national planning policies emphasise the need to optimise the use of urban land. It is therefore considered that the proposed density and overall design is acceptable in meeting these objectives whilst not fundamentally and / or adversely impacting upon the character of the area.

Internal Environment

9.18 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

9.19 The application is accompanied by a Railway Noise and Vibration Report. Section 6 of the report concludes as follows:

- External noise levels in the proposed gardens may be up to 67db, exceeding the upper guidance levels of 55db by 12 db;
- To meet minimum reductions for noise levels inside dwellings, sound insulation to provide minimum reductions of 32db and 44db to the most exposed living rooms and bedrooms respectively is necessary;
- Vibration Dose Values are significantly below (better than) the 'low probability of adverse comments' threshold.

9.20 Section 6.1 of the report recommends the installation of an acoustic fence. Although a 5m high fence is recommended, the proposed 3m high fence is considered to provide some localized protection against railway noise.

9.21 The report also considers that the noise which the existing neighbouring gardens experience is comparable to that of the new gardens. It is therefore considered that it would be unreasonable to refuse planning permission on the basis of the impact of noise upon the amenity areas, particularly once the proposed acoustic fence mitigation is taken into account. Furthermore, the Council have approved other developments within similar proximity to railway lines (with similar proposed mitigation) so it would be further unreasonable to refuse this application for stated reasons in respect of noise impacts.

9.22 With regards to the internal environment, mitigation measures are proposed within the report. It is considered that a condition will be required to further secure and assess the particulars of this mitigation. The full wording of the condition will be reported to the Development Management Committee in advance of determination.

9.23 Finally, the report concludes that no special vibration mitigation is required. It is therefore considered that, subject to an appropriate condition, no conflict with Paragraph 170 of the NPPF will arise.

Impact upon Neighbouring Properties

9.24 Policy CS12 of the Core Strategy states that on each site, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.

9.25 Saved Appendix 3 of the DBLP states that there should be sufficient space around residential buildings to avoid a cramped layout and maintain residential character, to ensure privacy and to enable movement around the building for maintenance and other purposes. The minimum distances of 23 m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to

ensure privacy.

9.26 The properties which have the potential to be affected by the development are located to the east and north-west of the application site, properties No. 55 and 59 South Park Gardens respectively.

9.27 With regards to No. 55, the dwelling which is proposed to be located closest to the site's westernmost elevation would be located closer to the boundary than the existing property. Whilst it is noted that the westernmost elevation contains windows at ground / roof level (contained within a dormer), none of these windows are considered to be primary light sources. Furthermore, the topography of the site, the impact upon the property of the existing dwelling and the orientation of the site already result in a similar relationship between these properties to that which would exist post-development. A 45 degree plan has been taken which demonstrates that the rear (southernmost) windows of No. 55 would not be adversely impacted upon in terms of loss of daylight / sunlight, overshadowing and visual intrusion.

9.28 In respect of the relationship between No. 59 and the proposed development, it is considered that sufficient separation is provided to ensure that no adverse impacts are experienced by No. 59. The rear (western) elevation of this property is situated 35.5m from the front elevation of Plot 5, 3.49m from Plot 4 and 30.4m from Plot 3. The relationship between the southernmost (side) elevation and Plot 1 is similar to the existing situation, although a greater separation distance is now provided due to the locating of Plot 1 closer to the easternmost boundary of the site.

9.29 Given the separation distances between the proposal site / new dwellings and surrounding properties, no adverse impacts will result in terms of loss of privacy, subject to a condition removing certain permitted development rights from selected sites (discussed later) and a further condition requiring the provision / retention of obscured and un-openable glazing at first floor levels.

9.30 Whilst it is acknowledged that the net increase of 4 dwellings at the site would have the potential to introduce a degree of disturbance at the site, it is not considered that this would be of such severity as to warrant a refusal of planning permission. The development is for residential development and as such, disturbance would be limited to the type of activities which would be typical of a residential area. Vehicular parking is located so that any noise associated with its usage would be largely attenuated by the presence of the dwelling within Plot 1 and the new trees which are proposed to be planted along the site's northern boundary.

9.31 It is therefore considered that the proposals comply with the requirements of Policy CS12 in respect of impact upon neighbouring properties.

Access and Impact on Highway Safety / Parking Provision

9.32 Policy CS9 of the Core Strategy states that the traffic generated from new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account any planned improvements and cumulative effects of incremental developments.

9.33 Furthermore, Saved Policy 51 of the DBLP states that development must be compatible in locational and general highway planning, design and capacity terms with

the current and future operation of the defined road hierarchy and road improvement strategy.

9.34 Finally, Policy CS12 states that on each site, development should provide a safe and satisfactory means of access for all users and provide sufficient parking and sufficient space for servicing.

9.35 The development is to be accessed via a 4.8m wide two-way access which is to be located within a similar position to the existing access. The Highway Authority has been consulted on this arrangement and no objection has been raised, subject to the imposition of a condition which secures the submission of further information in respect of the material to be used to construct the parking areas and to manage surface water. Informatives are also provided and these are recommended to be attached to the decision notice should planning permission be granted.

9.36 With regards to parking, the site is located within Zone 4 as identified within the Council's Accessibility Zones SPG. Saved Appendix 5 of the DBLP states that for properties of 4 or more bedrooms, a maximum of 3 spaces should be provided for each property. The proposal comprises five x 4 bedroom properties, resulting in a maximum parking standard of 15 spaces.

9.37 The proposal provides a total of 16 external parking spaces (which includes 2 visitor parking spaces) in addition to five vehicular garages. Whilst it is noted that this quantum exceeds the Council's maximum standards, the level of provision has been provided to address local concerns. As such, it is considered that, on balance, no objection is raised in this regard.

9.38 It is therefore considered that, on balance, the proposed level of parking is acceptable.

Impacts on Archaeology

9.39 As previously noted, the site is designated as an Area of Archaeological Importance.

9.40 Policy CS27 of the Core Strategy states that all development will favour the conservation of heritage assets. Features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained.

9.41 The Historic Environment Advisor has been consulted on the application and has stated that in this instance it is considered that the development is unlikely to have a significant impact on heritage assets of archaeological interest. This is mainly due to its distance from known archaeological remains.

9.42 As such, it is considered that the proposals do no conflict with Policy CS27 of the Core Strategy.

Amenity Provision

9.43 Saved Appendix 3 of the DBLP states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. Private gardens should normally be positioned to the rear of the dwelling and

have an average minimum depth of 11.5 m. ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests. Generally all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area.

9.44 Saved Appendix 3 does not specify where the depth of the garden should be drawn from. The proposal plans illustrate that the minimum depth is achievable when taken from favourable locations within the site. However, if taken from the centre of the ground floor elevation to the site boundary, Plots 3, 4 and 5 would fail to provide sufficient depth to meet the 11.5m requirement. However, due to the non-prescriptiveness in terms of where measurements should be taken from, it is considered reasonable to assess the amenity provision on its overall usability.

9.45 Each amenity area would provide a spacious rear environment of sufficient depth and width to provide a satisfactory and usable family-friendly environment. The mix of garden sizes would meet with the objectives of Saved Appendix 3 in that they would be both functional and varied.

9.46 Whilst it is noted that the proposed garden depths are not of comparable dimensions to those within the surrounding area, it is not considered that they would not be 'incompatible' as their presence does not adversely impact upon neighbouring gardens in any way.

9.47 It is therefore considered that sufficient amenity space is provided.

Impact on Open Land Designation

9.48 Policy CS4 of the Core strategy states that in open land areas the primary planning purpose is to maintain the generally open character. Development proposals will be assessed against relevant open land policies. Policy 116 of the DBLP seeks to protect Open Land within towns and villages.

9.49 Whilst noting that the site is located immediately adjacent to land designated as Open Land, there is no policy requirement / protection in respect of the development of neighbouring sites. As such, no conflict arises with the relevant Open Land policies as detailed above.

Refuse Storage, Collection and Servicing

9.50 Saved Appendix 3 of the DBLP states that the needs of statutory undertakers, emergency services and essential delivery and disposal vehicles should be taken into account, and the emergency services and local authority should be consulted regarding acceptable distances from vehicle to reception point.

9.51 With regards to providing access to service vehicles, the Highway Authority has not raised any objection to the proposals and as such, it is considered that no issues are envisaged in this respect.

9.52 Each property is to be supplied with its own refuse storage area, with a communal collection point to be provided to the immediate south of the site's access. These arrangements are considered to be acceptable.

Land Contamination

9.53 The site is covered by the Former Land Use designation. Policy CS32 of the Core Strategy states that any development proposals which would cause harm from a significant increase in pollution will not be permitted.

9.54 The Council's Scientific Officer has been consulted on the application and has raised no objection, subject to conditions and informatives as detailed within the consultation response contained within this report.

9.55 The conditions in respect of contamination assessments are considered necessary. However, those recommended in respect of the requirement of a Construction Management Plan and Demolition Method Statement are not considered to meet the test of necessity and are therefore not recommended to be attached to any planning permission which may be granted.

Trees and Landscaping

9.56 Policy CS12 of the Core Strategy states that on each site, development should retain important trees or replace them with suitable species if their loss is justified and plant trees and shrubs to help assimilate development and softly screen settlement edges.

9.57 The application site does not contain any trees which are covered by Tree Preservation Orders and the landscaping within it does not warrant any special protection. However, there are a number of mature trees within the site which make an overall positive contribution towards it. Paragraph 6.14 of the submitted Planning, Design and Access Statement states that the proposed development will retain the significant trees on the site which are primarily located on the rear boundary with the railway line. Additional tree planting is proposed throughout the development to enhance the development.

9.58 As limited details are provided within the submission in this respect, it is considered necessary to secure the submission and approval of details pertaining to tree protection, retention and proposed landscaping by planning condition. Subject to such a condition, the proposals would comply with the relevant section of Policy CS12 of the Core Strategy.9.68

Source Protection Zones and Drainage

9.59 Policy CS31 of the Core Strategy states that development will be required to minimise water runoff, secure opportunities to reduce the cause and impact of flooding and avoid damage to Groundwater Source Protection Zones.

9.60 With regards to drainage, whilst limited information has been provided in this respect, it is considered that, given the scale and nature of the proposed development, this matter can be assessed adequately through the assessment of information required to be submitted by the relevant parking and landscaping conditions. A relevant informative provided by Thames Water is advised to be added to the decision notice should planning permission be granted.

9.61 With regards to the Groundwater Source Protection Zone, Affinity Water have

stated that the zone corresponds to Berkhamsted Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

9.62 They have therefore advised that the construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. An informative to this affect is therefore recommended.

Sustainability

9.63 Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible and a number of principles (as identified within the policy) should normally be satisfied.

9.64 The application is not accompanied by a CS29 Checklist. However, the submitted Planning, Design and Access Statement states that in order to meet the sustainability objectives of the Core Strategy the proposal will meet the requirements of Approved Document L1A of the current Building Regulations (2013). In addition the scheme will incorporate Mechanical Heat Recovery Ventilation units (MHRV) and an air source heat pumps will also be installed to each dwelling.

9.65 Whilst it is acknowledged that this information is limited, the NPPG is clear that conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. As such, it is therefore considered that given the nature and scale of the proposals, the sustainability of the development can be adequately assessed through the Building Control process.

9.66 The Building Control Department have already provided initial comments in respect of accessibility and these are contained within the representation contained within Appendix 1 of this report.

Developer Contributions

9.67 Policy CS19 of the Core Strategy states that outside of Hemel Hempstead, affordable homes will be provided on sites of a minimum size of 0.16ha or 5 dwellings (and larger). A financial contribution will be sought in lieu of affordable housing on sites which fall below these thresholds.

9.68 However, the NPPG is clear that the provision of affordable housing should only be sought for residential developments that are major developments. For housing development, major development is defined as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The site / proposal do not meet with these criteria.

9.69 With regards to Community Infrastructure Liability, the site is situated within CIL Charging Zone 1. As such, a charge of £250 per square metre will be applicable to the development, subject to any exemptions which may be applicable.

Other Matters

Removal of Permitted Development Rights

9.70 The NPPG states that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. On this basis, it is not considered that the implementation of permitted development rights would result in impacts so severe as to warrant their blanket removal. However, it is considered that the introduction of a dormer on the easternmost roof slope would have the potential to result in an unacceptable degree of overlooking of No. 55's rear amenity area (the two windows within the proposed first floor of the relevant elevation are to be conditioned to be obscured and non-opening below 1.7m from floor level). As such, a condition removing Class B permitted development rights is recommended to be applied to Plot 1.

Response to Neighbour Consultation Comments Received

9.71 It noted that a substantial volume of objections have been received in response to the neighbour notification / site notice consultations. However, it is important to note that following the original consultation on 06/08/2018, two further consultations were undertaken (23/10/2018 and 21/12/2018) following the receipt of amended plans.

9.72 The majority of the matters raised have already been discussed within this report. However, in relation to those comments which have not been addressed elsewhere in this report, these are identified / discussed below.

- Damage to the 'green triangles' outside of the site during construction / from use for future parking;
- Precedence for other similar developments within the area;
- Disruption during construction;
- Impacts upon local infrastructure.

9.73 The 'green triangle' referred to above does not form part of the application site and is situated to the north-east of the proposed access road. The Highway Authority has been consulted on this application and has raised no objection on these grounds. Furthermore, any damage to this area would be an offence under the Highway Act 1980.

9.74 In respect of parking concerns, as already discussed within previous section of this report, the proposal provides in excess of the Council's maximum parking standards. It is not therefore considered likely that unauthorised parking on the green triangle would result.

9.75 Whilst concerns over precedence are acknowledged, there is no provision in planning law / policy for precedence to be a material planning consideration. Each planning application is determined on its own merits and with reference to the particulars of the proposal / surrounding area. This matter cannot therefore form a consideration of the subject proposal.

9.76 It is accepted that a moderate degree of disturbance could be caused during construction. However, a degree of disturbance is almost-always inevitable within any construction project and as such, very limited weight is attached to this consideration. However, the Council's Environmental Health Team only permit construction during certain periods to minimise the disturbance which is experienced by neighbouring

occupiers. An informative is therefore recommended to be attached to the decision notice (should planning permission be granted) which draws the applicant's attention to the permitted hours.

9.77 Whilst noting the concerns regarding infrastructure, the site is subject to the CIL Zone 1 charging which will result in the receipt of a substantial payment towards infrastructure improvements.

10. Conclusions

10.1 Planning permission is sought for the construction of 5 dwellings with associated amenity space and parking within land comprising of an existing residential garden. The proposals would respect / reflect the density and character of the local area, and each unit would be provided with adequate parking and amenity space.

10.2 Subject to the imposition of the recommended conditions, the proposals would not result in an unacceptable impact upon neighbouring properties. Further assessment / information in respect of land contamination, building materials, landscaping and noise mitigation is required; such matters are recommended to be secured by condition.

10.3 The proposed units would make a valuable contribution to housing stock within the area through the optimisation of an existing site. The application is therefore recommended for approval.

11. RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

Conditions

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>P/001 Site Survey P/01 rev H Proposed Site Layout P/02 rev F Plot 1 house type P/03 rev G Plots 3 & 5 house types P/04 rev F Site Perspectives P/05 rev F Site Perspectives P/06 Garages P/07 rev G Plots 2 & 4 house types Environmental Survey 183121/JDT Noise Survey DLW/7167 Noise Letter for Committee DLW/KH/7167/L2 Site plan extract with additional site dimensions</p>

	Reason: For the avoidance of doubt and in the interests of proper planning.
3	<p>No construction of the superstructures hereby approved 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.</p> <p>Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy.</p>
4	<p>Prior to first use, the new parking areas hereby approved shall be surfaced in porous paving or material or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.</p> <p>Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety in accordance with Policy CS8 of the Core Strategy.</p>
5	<p>No development (excluding demolition and groundworks) shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>For the purposes of this condition:</p> <p>A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.</p> <p>A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.</p> <p>A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Core Strategy.</p>
6	All remediation or protection measures identified in the Remediation Statement

	<p>referred to in Condition 5 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.</p> <p>For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Core Strategy.</p>
7	<p>No development (excluding demolition and groundworks) 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:</p> <p>hard surfacing materials; means of enclosure; 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); retained historic landscape features and proposals for restoration, where relevant.</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Core Strategy.</p>
8	<p>Details of the acoustic fence will be submitted to and approved by the local planning authority prior to first occupation of the any dwelling hereby approved. The approved fence will be fully erected prior to first occupation of any dwelling hereby approved and will be retained and maintained for the lifetime of the development.</p>

	Reason: To ensure that the amenity of future occupiers is protected in accordance with Paragraph 170 of the National Planning Policy Framework.
9	<p>The windows at first floor level in the easternmost elevation of Plot 1 hereby permitted and the flank elevations of Plots 2, 3, 4 and 5 shall be non-opening below 1.7m from floor level and shall be permanently fitted with obscured glass for the lifetime of the development.</p> <p>Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Core Strategy.</p>
10	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) (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 on the property identified as Plot 1 without the prior written approval of the local planning authority:</p> <p>Schedule 2, Part 1, Class B</p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity in accordance with Policy CS12 of the Core Strategy.</p> <p>ARTICLE 35 STATEMENT</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>INFORMATIVES</p> <p>Highway Authority</p> <p>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. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx or by telephoning 0300 1234047.</p> <p>Storage of materials</p>

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Obstruction of the highway

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Mud on highway

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Land Contamination

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.' Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay->

for-services/Wastewater-services

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Affinity Water

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Berkhamsted Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Construction Times

The applicant is advised that the Council's Environmental Health Team only permit construction activities during the following times:

Monday to Saturday - 7:30am to 6:30pm

Sundays and Bank Holidays - no noisy activities allowed.

Appendix 1

Consultation responses

Berkhamsted Town Council

The Committee's objections previously submitted prevail. The proposals represent an overdevelopment of the site and does not respect the character of the surrounding area. Access to the five detached dwellings proposed, i.e. the existing road is very narrow and therefore inadequate given the scale of the proposed development. The proposals would impact adversely on the amenity of surrounding properties.

Additionally, the houses would be very close to the West Coast main line. Although measures to mitigate the resultant noise inside the buildings are proposed, the noise in the gardens and inside, should any windows be opened for ventilation, would be unacceptable.

The Committee emphasised that the Noise Report supports its view that the noise in the rear gardens would be excessive and very large acoustic fences would need to be erected as a result.

CS11; CS12; Appendix 3 (i), (v) and (vi); BCA13.

Building Control

Part B Access, Approach Road and Camber Gradients.

Confirmation that gradients are within HCC Highway Design Guide. Hertfordshire Fire and Rescues Service vehicles can operate adequately within these design parameters.

Confirmation that make up of access road can with stand 19 tons

Min turning circle/Hammer head between kerbs is 16.8m

Part M

Confirmation of level access is provided to properties.

Strategic Planning

We do not wish to comment on this application. Please refer to policies/guidance in the DBLP/Core Strategy/Site Allocations as appropriate.

Highway Authority

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:

Condition 1:

Before being brought in to use the new parking areas hereby approved shall be surfaced in porous paving or tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety. Advisory Note.

Informative: I recommend inclusion of the following advisory note to ensure that any works within the highway are to be carried out in accordance with the provisions of the highway Act 1980.

New or amended crossover – construction standards

AN1) 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. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

Storage of materials

AN2) 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Obstruction of the highway

AN3) 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Mud on highway

AN4) 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Planning Application:

The development proposal is for demolition of existing buildings and construction of six , four bedroom detached dwellings with associated access and landscaping. Site and surrounding:

The application site is a roughly triangular shaped piece of land, with a site area of some 0.26ha located on the west side of South Park Gardens Berkhamsted. The site Comprises the two storey property at 57 South Park Gardens and its curtilage. The site

is in a residential area and falls within the Castle Hill character area. The site backs on to a railway line embankment and there are detached dwellings to the north and south of the site.

Local Road Network

The site access is off South Park Gardens which a local access road is serving a number of large detached properties. The road adjacent to the application site is in a triangular shape around an oval shape amenity area.

Accessibility

The site is not in a highly sustainable location for alternative mode of transport. The nearest bus route is off Bridgewater Road. However the proposed development is within the residential neighbourhood. Berkhamstead railway station is within walking distance and Berkhamstead Town centre provides all the necessary daily facilities

Capacity and Safety

The proposed development is from one single dwelling to six dwellings and the parking is from 3 spaces to proposed 18 spaces. This is a significant intensification of existing use of the site. However, South Park gardens is not a busy road serving access to few properties. The highway network in the vicinity of the site does not have a significant accident record. The additional trips are unlikely have any material impact on the capacity of the local road network. Vehicular Access and parking

The proposal is to serve the site 4.1m access road off South Park Gardens. This road will remain un-adopted and the applicant should make necessary arrangement for its long term maintenance of the road. The access road is 4.1m wide which is the minimum width required for two cars to pass one another. No details are provided on the proposed new access and the applicant should contact the highway authority to carry out any work on public highway. The proposal is to provide 18 parking spaces. The applicant should make provision in drainage facilities within the site to ensure surface water is not discharged on to public highway.

Conclusion

The Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory notes

Historic Environment Advisor

In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal. This is mainly due to its distance from known archaeological remains.

Growth & Infrastructure Unit

Growth & Infrastructure do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum CIL Zone 1 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

Scientific Officer

Please be advised that we have no objection to the proposed development in relation to Air Quality and Land Contamination.

However, with the development located on a radon affected area where 1-3% of homes are above the action level and also within 74m of two former contaminated land use respectively i.e. gasworks and saw mill/timber yard, the following planning conditions and informative are recommend should planning permission be granted whilst I also recommend that comment form my colleague Stuart Nixon be sought on the applicant submitted Railway Noise and Vibration Survey and Assessment with reference DLW/7167 prepared by AIRO dated 25th July, 2018 considering the closeness of the development site to West Coast Mainline Railway.

1a). Contaminated Land Condition

No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

- A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.
- A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.
- A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

1b). All remediation or protection measures identified in the Remediation Statement referred to in Condition 1a above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition: a Site Completion Report shall record all the

investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.' Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

2). Construction Management Plan Condition

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development.

Therefore, the construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

- a) Construction vehicle numbers, type, routing
- b) Traffic management requirements
- c) Construction and storage compounds (including areas designated for car parking)
- d) Siting and details of wheel washing facilities
- e) Cleaning of site entrances, site tracks and the adjacent public highway
- f) Timing of construction activities to avoid school pick up/drop off times
- g) Provision of sufficient on-site parking prior to commencement of construction activities
- h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- i) Construction or Demolition Hours of Operation
- j) Dust and Noise control measure
- k) Asbestos survey and control measure where applicable

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Core Strategy (2013) Policy CS8.

3). Demolition Method Statement Condition

Prior to demolition works commencing a Demolition Method Statement shall be

submitted to and approved in writing by the Local Planning Authority for a management scheme whose purpose shall be to control and minimise emissions of pollutants from and attributable to the demolition of the development. This should include a risk assessment and a method statement in accordance with the control of dust and emissions from construction and demolition Best Practice Guidance published by London Councils and the Greater London Authority. The scheme shall set out the secure measures, which can, and will, be put in place.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Core Strategy (2013) Policy CS8.

4). Un-expected Contaminated Land Informative

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.

Affinity Water

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Berkhamsted Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Thames Water

Waste Comments

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

There are public sewers crossing or close to your development. If you're planning

significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

BERKHAMSTED TOWN COUNCIL, THE CIVIC CENTRE	Comment

Appendix 2

Neighbour Notification /Site Notice Responses

Objections

Address	Comments
36 SOUTH PARK GARDENS, BERKHAMSTED, HP4 1HZ	While having no objection in principal to an additional house on the site, 6 extra houses would result in a density not in character with this area. density cannot simply be measured by the spacing between the houses at the side. Also there will be no access to overflow parking for visitors/maintenance vans other than adjacent to other houses in SPG. The likely result will be parking on the greatly valued green space at the entrance to no.57. and loss of amenity to current residents. The access road to 57 is also single track and likely to lead to cars meeting head on and driving over the green space to pass in comfort, causing damage to the turf.
3 SOUTH PARK GARDENS, BERKHAMSTED, HP4 1JA	This isnt strictly an objection but more of a query. I feel that South park Gardens was developed as a family road with community areas. The 2 triangles of grass are used by families and children to play and I am concerned that the additional traffic for 6 extra properties [potentially 12 extra cars] in a close off one of these community triangles will change the way the road functions as parents wont be able to let their children play out as safely. Admittedly One 'close' may not make a difference

	<p>to the street, so the next question is - if this planning permission is approved, this will open the door to other similar applications and the street could become a warren of mini closes as every garden is south park has the space for at least 2 -3 properties if their current property is demolished. How can this be restricted if a precedent is set with this application being approved? Thank you for considering my concerns / queries re the impact of future planning when considering this one</p>
<p>21 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1JA</p>	<p>I object to this development on a number of grounds:</p> <ol style="list-style-type: none"> 1. This would ruin the character of the road of each house having an equal plot and the triangles at the end of road defining the "Gardens" 2. increased traffic and parking on the road - all new developments never have enough parking spaces so would move cars out in the road 3. Disruption from construction - the road is quite narrow and the large construction vehicles would ruin the grass triangle and be unsafe for pedestrians 4. Safety - there are many children who live on South Park Gardens and it is cut through for people walking to town and the increased traffic during and after build would increase the safety risk 5. Character of the houses - the new builds would not be in the same distinct shape and character of the 1960's buildings that we have all had to stick in our own renovations 6. This would set a precedence that anyone could knock down their house and have multiple dwellings replacing it
<p>45 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1HZ</p>	<p>The road to access number 57 and neighbouring houses is only single track and does not offer the possibility to pass other vehicles. The likelihood of vehicles driving onto the green space to avoid each other and damaging the grassed area is increased. Additionally, the likelihood of cars and large service vehicles parking on the green space and damaging the grassed area will also increase. Due to the above reasons, a significant feature of South Park Gardens that has endured since 1961 and one that all residents value and appreciate is in danger of being degraded.</p>
<p>26 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1HZ</p>	<p>I object to the proposed development. It is not in keeping with the nature of South Park Gardens, and will lead to lack of community and family use of the triangular gardens due to the increased traffic and resulting impact on the current safe nature of the triangular garden.</p> <p>The road is not a through road and is designed and built around a limited volume of traffic and is very safe for</p>

	<p>children. This will be significantly impacted.</p> <p>This development will set a precedent for the road which could quickly lead to similar developments and in turn detrimentally change the nature of our road.</p> <p>There appears to be very limited car parking available for the proposed new houses, which would inevitably lead to overspill on the rest of the road to the detriment of road safety.</p> <p>There would be unacceptable overlooking of the existing neighbour's garden and rear of house.</p>
<p>27 SOUTH PARK GARDENS, BERKHAMS TED,,,HP4 1JA</p>	<p>I object to the proposed development for the following reasons.</p> <ol style="list-style-type: none"> 1. The proposed development would alter the character of the road forever. Currently the plots are spread out evenly which makes the road a very pleasantly designed road. If granted this proposed development would be a cramped addition to one end of the road. 2. Six four bedroom detached houses could potentially add another twelve to eighteen cars to the road. This is a big concern as it would increase the traffic flow in the road. A road that was not designed for large amounts of traffic. 3. The increased traffic flow would increase the risk of accidents to pedestrians using the road to access the public footpath to the town. 4. The access to the proposed development is inadequate. My concern is that for this to be improved the grass island would have to be reduced in size dramatically. 5. I am also concerned that if granted this proposal will set precedent for others to do the same. We could in years to come end up with a number of closes in the road each with pockets of houses. This would in my view destroy the original design of the road. Something which I am very much against happening.
<p>17 SOUTH PARK GARDENS, BERKHAMS TED,,,HP4 1JA</p>	<p>I wish to object to the size and scale of the proposed development at 57 South Park Gardens. I believe the plans are out of character of the existing layout of the road and neighbouring houses, they represent an over-development of the plot, with a high density/bulk massing of homes detrimental to the local area. The road around the green to the proposed development is not sufficient for the increased traffic to the additional properties consisting of a single file road which does not allow vehicles to pass each other, these smaller roads were designed to provide access to only the 6/7 existing</p>

	<p>houses. The extra traffic created by six extra dwellings and associated visitors would create noise, disturbance, pollution and highway safety concerns to what is a relatively quiet non through road with a high percentage of children and older residents as well as a popular pedestrian route into town. I am also concerned at the precedent this would set for other potential developments on the street as most properties are set within larger plots which would again irreversibly change the character of the road and community.</p>
<p>75 BRIDGEWATER ROAD, BERKHAMSTED,, HP4 1JB</p>	<p>We think this application is totally inappropriate, for the following reasons.</p> <ol style="list-style-type: none"> 1) The proposed access to the development is completely inadequate for a group of six 4-bedroom houses. Entrance is through a narrow opening between the neighbouring properties, which is barely wide enough for one car. And even to get to this opening involves driving round a narrow loop road, and then making a right angle turn. In view of the likely number of vehicles going to and from these houses, we suggest that there would be significant safety issues for other drivers and pedestrians [eg children going to school may have to walk in the road in conflict with refuse collection vehicles that are struggling to manoeuvre the narrow road.] 2) This proposal, if approved, would set a dangerous precedent: it could lead to a flood of applications from owners in the surrounding area (e.g. South Park Gardens and Bridgewater Road) to demolish their properties and build six detached houses in their place. This would significantly change the character of the area. This, in turn, will lead to more and more traffic congestion and also put a strain on services like sewerage. 3) We are shocked to see how close the proposed houses are to the neighbouring properties on either side. At least one existing house will look out at a wall just a couple of meters away. And the neighbouring houses will suffer from increased traffic passing very near them. There will also be increased parking in the street, and possibly also on the grass triangle, because there does not seem to be adequate parking space provided (eg for visitors, deliveries and tradesmen.) 4) No other houses in this area are so close to the railway line as in the proposed development. It is both environmentally and socially inappropriate to build family houses with this proximity to danger.
<p>51 SOUTH PARK GARDENS, BERKHAMSTED,, HP4 1HZ</p>	<p>Within the documents supplied it states any development should "respect the typical density intended in the area and enhance the spaces between buildings and general character". This over development does not fulfill this recommendation. The proposed density for this location is totally out of character with SPG</p>

	<p>The majority of houses on the south side are chalet style and these proposed steep pitched houses are out of keeping with those neighboring.</p> <p>I also have a major concern about the green which defines SPG. It will undoubtedly be damaged as the road around it is single track, 3m wide and does not allow for vehicles to pass, let alone construction trucks. I can find no provision for the green being restored/protected after or during the development.</p>
<p>55 SOUTH PARK GARDENS, BERKHAMS TED, HP4 1HZ</p>	<p>Objections from 55 South Park Gardens Noncompliance with BCA13 Area Based Policies (SPG p296). Access by 3m track round island of Green Open Space with no pavement, yellow line parking restriction & 1 parking space. Access impossible for construction vehicles (as bin lorry) unless by tight bend at No. 63. Safety concerns & barrier to Emergency Services. None of this considered. Green Open Space to be car park during & after construction. Loss to local children and an eyesore. Becomes a roundabout without signs or pavement. Density high so no normal road & pavement. Out of keeping with street scene. 6 houses Replacing 1 sets precedent. Plot1 not on existing footprint is 2m from No55 patio so dominating, noisy, overshadowing, privacy loss. Huge increase in traffic on 3m Wide track. Parking spill over to main street already plagued by cars parked by owners walking to town. Noise from 'flanking' at railway fence ignored by AIRO survey. Boundary fence to destroy 50 years old hedging.</p> <p>Full letter posted, site visit offered.</p>
<p>55 SOUTH PARK GARDENS, BERKHAMS TED, HP4 1HZ</p>	<p>Access to the site is via the existing narrow 3.1 m wide road around an existing 'Green'. In addition to the yellow parking restriction lines, there is also a single parking space. The space is often occupied thereby allowing only cars to pass - heavy construction vehicles will find it impossible. Entry to the site will be restricted to the very tight bend and to exit the site would have to be by reversing. With hugely increased traffic during and post construction this is dangerous. There are no pavements around the Green or in the new development. The limited access would affect Emergency Services access.</p> <p>The 'Green' is likely to be destroyed/ used as a car park during construction. This is dangerous and a huge loss to</p>

the local children mine included. It is Council owned, maintained and protected. It would become a roundabout without signs or pavement. The narrow 3.1 m wide road around it is only capable of taking one vehicle at a time. Currently we all come and go safely using both ends. This would change drastically.

The proposed housing density is extremely high and completely out of keeping with the street. This high density is why there is no space for a proper road/pavement.

Over time many houses in SPG have been extended/remodeled but never demolished and replaced with 5 new houses. If this application is approved it sets an undeniable precedent.

Plot 1 house, rather than being in the existing footprint of No.57 it is 1m from my boundary fence and within 2 to 3ms of my patio. Its closeness to my house would have a dominating and over shadowing impact - ruining the private environment that I have now.

Increased traffic would become a huge issue. Each new home has the potential to have 2/3 cars. This increases daily street traffic. All of the houses in SPG will feel the effect.

With increased traffic movement comes the need for increased parking. The proposed new street combined with 3.1m single track around the Green Open Space means there can no on road parking for visitors to the proposed development. Parking would spill over into main SPG which is already plagued by cars being parked by owners then walking to town. This development would simply worsen an existing situation.

The 3 m high acoustic fencing will affect me. While possibly reducing some of the train noise to the proposed development, it will in fact increase the noise felt by me. The fence does not cause the noise to vanish, it moves it round the ends/top of the fence (to a process known as 'flanking')

The existing hedgerows between my garden and the development will be affected and more than likely destroyed for a boundary fence. This hedging is 50 years old and is not easily or quickly re - established.

As the site falls into the Castle Hill (BCA13) Character Area there needs to be compliance with all of the principles stated in Area Based Policies Supplementary

	<p>Planning Guidance Notes. It is clearly stated (p296) that the opportunities for redevelopment and plot amalgamation would not normally be permitted.</p>
<p>6 SOUTH PARK GARDENS, BERKHAMS TED, HP4 1JA</p>	<p>Head of planning Decorum Borough Council</p> <p>Dear Sir/Madam RE: 4/01866/18/FUL 57 South Park Gardens</p> <p>I am writing to object to the planning permission being sought for the development of 6 new 4 bed houses on the plot of 57 South Park Gardens.</p> <p>Material considerations for objection:</p> <p>1. Layout and Density of development The development of 6 small houses is a gross overdevelopment of this corner plot. The planning team are reminded that South Park Gardens was designed specifically for low density housing comprising of chalet bungalow style and small houses sited in generous plots to allow residents green space and very little over-looking of neighbours.</p> <p>2. Noise or other disturbance During construction: the scale of construction will cause significant construction traffic, large amounts of noise and dust that will have a very detrimental effect on all residents in the street but especially those either side of the development for 12 months or more. For new residents: despite the noise surveys, the practical design of 5 of the houses being so close to the railway line will mean the new properties have very high levels of train noise for the residents internally, with practical implications meaning opening windows etc will not be possible without a large amount of noise disruption to the new residents.</p> <p>3. Adequacy of infrastructure Sewage and water infrastructure will be put under further considerable strain in a street with a history of problems with sewage drainage blockages due to the topography of the road. We also question the impact on the general infrastructure of the town - especially schools, doctors, dentists etc being put under strain with another 6 families when the</p>

	<p>development in the town is already under significant growth strain with other new housing developments.</p> <p>4. Precedent creation This is a key point to this objection. If the planning team grant permission to change the style of development in South Park Gardens and allows this application of multiple dwellings on one plot in a different building style to the two current types of houses then this sets a precedent for all residents to develop these large plots for two or more houses. This dangerous precedent will destroy the atmosphere of this quiet calm street and ruin the original architects vision for the development of the road.</p> <p>5. Car Movements/Traffic Capacity of road network The narrow roads of South Park Gardens, specifically around the greens were designed to carry only traffic for the original housing quantity, leaving both greens safe for children's play and community gathering. The main South Park Garden road, opposite the development is already a difficult blind corner to negotiate if traffic is driving in both directions. 5-10 new car of new residents in the corner of the green would put too much pressure on the narrow single file roads and cause safety concerns to all residents young and old alike.</p> <p>In summary we feel that this application is wholly inappropriate for Berkhamsted and especially for this road where strict planning rules in the past have allowed the original feel and look of the street to be retained. This application must be rejected.</p> <p>Your sincerely</p> <p>Matthew and Elizabeth George 6 South Park Gardens Berkhamsted Herts HP4 1JA</p>
<p>28 SOUTH PARK GARDENS, BERKHAMSTED, HP4 1HZ</p>	<p>We object to the following proposed development for the following reasons:</p> <ol style="list-style-type: none"> 1. Road access to No. 57 is single track, so not suitable for passing other vehicles. 2. There is limited parking and turning space, so delivery vehicles/ rubbish collection vehicles etc will struggle to access the new single track road. This will lead to people parking on the green, rubbish bins being left on the green, and increased concerns for road safety 3. The new homes are not in the character of the other existing properties which all other developments have

	<p>needed to adhere to.</p> <p>4. Concerned that this development will set a precedent for the road and further development. Each of the existing houses on the street could be demolished and replaced with 2 - 3 properties of a similar size to those proposed in this application; and further development of this kind would fundamentally alter the character of South Park Gardens.</p> <p>5. Concerned about safety for all the children who live on the road, and frequently use the green areas to play. Increased traffic will inevitably compromise this.</p>
<p>63 SOUTH PARK GARDENS, BERKHAMS TED, HP4 1HZ</p>	<p>The proposed development does not maintain the character of the area as it is harmful to the amenity of the adjoining neighbours and other residents of SPG for the following reasons:</p> <p>There will be an increased danger to children who play on and around the green owing to the dramatic increase in traffic using the access road.</p> <p>The access road that runs around the green is 3m wide at the narrowest and is an average of 3.1m wide which does not allow vehicles to pass each other when approaching the site. There is no footpath around the green or into the development. The attractive green is likely to be damaged and spoilt irreparably by vehicles parking and trying to pass each other by mounting the kerbs.</p> <p>The existing density of housing is approximately 12 dph. The development proposes a density of 23 dph which is excessive for this location and will be totally out of character with SPG. Overflow parking will inevitably cause obstruction on the roadway bend at the western end of SPG with a resultant increase in traffic and pedestrian accidents.</p> <p>The majority of the houses on the south side are chalet style. Those proposed will be out of character to those neighbouring.</p> <p>The communal bin store adjacent to 59 SPG is likely to attract vermin and foul odours next to the road which will further detract from the character of SPG. The store is necessary owing to the extremely poor access to the development by service vehicles.</p> <p>Core Strategy S1 5.10 determines that the development 'causes no damage to the existing character of the settlement or its surrounding countryside'. This proposal does damage the existing character of SPG.</p> <p>Policy CS11 5.14 (a) states the development should 'respect the typical density intended in an area and enhance spaces between buildings and general character'. This development does not fulfil this recommendation.</p> <p>Whilst a maximum of 3 houses would be acceptable the</p>

	current proposal is totally out of character.
16 SOUTH PARK GARDENS, BERKHAMS TED,,,HP4 1JA	<p>For the attention of Mr Jason Seed, case officer</p> <p>Dear Sir</p> <p>Reference: 4/01866/18/FUL</p> <p>Proposed Demolition of Existing Buildings and Construction of 6 dwellings with associated landscaping and access</p> <p>I write in connection with the above planning application. I have examined the plans and I know the site well, having lived on the road for 11 years. I wish to object strongly to the development of these houses in this location.</p> <p>South Park Gardens is a small, intimate road with an abundance of houses already. Development proposals should be considered carefully: infilling will ruin the character of the road, while estate development will overwhelm it. The protection of the small green in front of the houses there as well as the mature trees should be in the interest of the council as it will disrupt the safety of those walking down this path to the town on a daily basis.</p> <p>Pressure for the development is considerable and I understand that the council is in favour of developing any green space we have left in this town. But there is also a lack of infrastructure and South Park Gardens cannot accommodate even small increases in traffic, without affecting the safety of pedestrians, the increase of cars on the road and the character of the road.</p> <p>We hope that the council will take this larger concerns, which affect the entire population that use this road as pedestrian access to the centre of town into consideration.</p> <p>Yours faithfully,</p> <p>T. Bohn</p>
24 SOUTH PARK GARDENS, BERKHAMS TED,,,HP4 1HZ	<p>We object to these plans to build six houses in place of one for the following reasons.</p> <p>The development is completely out of character with the rest of the road.</p> <p>Road access is single track and not suitable for passing. The road currently works due to the low density of housing around the green amenity space. The increase</p>

	<p>in traffic may result in accidents. Potential access for utility vehicles may be difficult. There will be a lack of parking by the proposed properties which may lead to parking on the main road where there is a blind bend. The green amenity space which is used as a safe play space for children will no longer be so safe South Park Gardens is used by a lot of pedestrians walking into town who will be adversely affected by additional traffic. For the direct neighbours of the proposed development there will be a significant negative impact. The proposed properties will be very close to the railway line.</p>
<p>59 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1HZ</p>	<p>This development fails on every level in Policy CS11/12</p> <ol style="list-style-type: none"> 1 Density. 6 units on this small site is overdeveloped and pure greed in squeezing in both Plots 1 and 6. Whilst the Council need more plots this is not the site to exceed density standards 2. Access. designed initially for access to simply 6 plots it is not wide enough to handle at least 12 more cars. 3. Parking. with 6 houses crowded on there is not enough on site parking. this will spill onto POS and road. 4. Lack of privacy. Plots 1 and 6 will seriously impede on Private space of 55 and 59. 5. Design. a majority of houses are Chalet style and NOT 2 storey houses.
<p>71 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1HZ</p>	<ol style="list-style-type: none"> 1. Strongly object to this "garden infill" which is not in character to South Park Gardens. 2. The access road to the proposed new development is far too narrow and does not allow passing. Too narrow for many commercial vehicles. 3. The new development creates another road to cross for pedestrians, including children, using the tunnel under the railway in this road walking to and from the town and schools. 4. Approval for this development will create a dangerous precedent for the future. 5. This proposed development will create extra noise and disturbance from owned and visiting vehicles. 6. Loss of privacy to existing residents in South Park Gardens.
<p>61 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1HZ</p>	<p>Our objections to the proposed development are as follows:-</p> <p>Access - The access road running around the green is approximately 3m wide, so vehicles approaching/leaving the site would be unable to pass each other. Large vehicle access is already difficult, refer to the problems that dustcarts currently experience, particularly on the tight bend. Any vehicles parked on the road would block</p>

	<p>access. The green is likely to be used as a temporary car park by construction vehicles and later a permanent one due to the restricted access to/on the site. This will ruin the green area which contains mature trees which are very likely to be damaged by vehicular access.</p> <p>Character of area - Policy CS11 5.14(a) states that the development should "cause no damage to the existing character of the settlement or its surrounding countryside" the proposed development design is out of keeping with the existing character of the area and does not blend with the surrounding properties.</p> <p>Density - The proposed density of the housing is 23dph, almost double the existing density of approximately 12dph.</p> <p>Safety - Residents, including young children and the elderly, walk down SPG to the footpath to the town. Children play on the green and will be at risk. Increased vehicular traffic and unauthorised parking will cause safety issues, particularly as the current speed of vehicles travelling round the corners in the road is often excessive and the increased traffic from the proposed development will increase the risk of accidents.</p> <p>Flooding - the proposed development is at the bottom of a hill, next to the railway embankment and is likely to flood and become waterlogged. The proposed development has a large amount of hardstanding thus restricting the amount of open ground available for absorption of excess surface water causing potentially serious environmental issues.</p>
<p>18 SOUTH PARK GARDENS, BERKHAMS TED,, HP4 1HZ</p>	<p>For the attention of Mr Jason Seed, case officer</p> <p>Dear Sir</p> <p>Reference: 4/01866/18/FUL</p> <p>Proposed Demolition of Existing Buildings and Construction of 6 dwellings with associated landscaping and access</p> <p>With regard to the proposed planning application, I wish to object to the proposal on the following basis :</p> <ol style="list-style-type: none"> 1. Density - the increase in dwellings on the plot to 6 is out of keeping with the density of the rest of the street. 2. Access - having consulted the plans, the access for construction vehicles during the build seems insufficient. <p>In addition, if the development is permitted, it appears</p>

	<p>that the access for emergency vehicles or refuse lorries will also be inadequate.</p> <p>3. Safety - as a family with a young child, this is a concern for during the construction process when large lorries will be moving around SPG and also after with the increase in traffic flow.</p> <p>4. Precedent - this development would create a dangerous precedent given that the rest of SPG is generally smaller chalet style houses with green space around them. If the application is permitted then it could create a precedent allowing every homeowner to apply for permission to build 2 or more houses on each plot. This would destroy the character of the street by allowing residents to create a densely populated warrant of small cul de sacs.</p> <p>5. Infrastructure - it is not clear whether the sewerage and water infrastructure is adequate for a development of this kind. The street has had various issues with blockages to the drains over the past few years. Indeed I note that work appears to be ongoing currently in this regard.</p> <p>In our opinion, the application is wholly and utterly unsuitable for a quiet , less densely populated area.</p> <p>Yours sincerely,</p> <p>Gregor Smith 18 South Park Gardens</p>
<p>11 SOUTH PARK GARDENS, BERKHAMS TED, HP4 1JA</p>	<p>We object to the proposed development for the following reasons:</p> <ul style="list-style-type: none"> - House density - the proposed development of 6 new houses on this plot is an over development and not in keeping with the current, equal plot density of all other houses in SPG. - House design - the style of houses do not follow the chalet style design of the neighbouring properties; a design which has been retained by all other SPG homeowners of this type of property when extending/renovating. - Access - there is insufficient access for construction vehicles and the likelihood for damage to the road and green caused by heavy goods vehicles manoeuvring, particularly during construction. Moreover the limited access for emergency service vehicles is a safety concern.

	<p>- Increased traffic from the new households poses a safety risk for pedestrians and motorists (potentially up to 20 cars in the future based on a estimate of 4 cars per 4 person-family for each of the 5 new dwellings).</p> <p>- Increased noise disruption to neighbouring properties - not only would there be increased general domestic noise from the comings and goings of an additional 5 families, there would be increased vehicular noise from the potential ~20 cars and increased train noise from the loss of existing trees/shrubs.</p> <p>- Loss of privacy to neighbouring properties.</p> <p>South Park Gardens is a community road with safe access to green space for all families; this development is inappropriate and will be detrimental to the unique character and atmosphere of the road.</p>
<p>39 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1HZ</p>	<p>As resident of South Park Gardens we strongly object to this planning application on the following basis:</p> <ol style="list-style-type: none"> 1. This development would not be in keeping with the road and would increase the traffic and potential thru traffic into what is a quiet residential road. 2. We feel the increased industrial traffic/ machinery will be a danger to our children. 3. The noise and building work would cause significant disruption.
<p>69 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1HZ</p>	<p>Objecting on the grounds of:</p> <ol style="list-style-type: none"> 1. Increased parking requirement will add to blockage of pavements and damage to the triangular green when this is used as "overflow" parking. 2. Restricted access to new properties will cause traffic problems in the road. 3. Concerned this may be the thin end of the wedge for more to come. What is the odd bit of extra driveway pointing towards the garden of no. 59 for? 4. Development is out of character with the rest of the street, and will cause an apparently sound house to be needlessly demolished. <p>Also have observed the following:</p>

	<p>We did not become aware of this planning application until last Sunday, 26th August (a Bank Holiday weekend!). This has only given us 2 days to respond. The only notification we have had was a notice stuck to a telegraph pole, even though we live close enough to be directly affected by traffic/parking problems. A friend who does not live in this road but who walks down it regularly also has no recollection of seeing this notice before 26th August.</p> <p>The application does not appear to have taken into account a possible issue with flooding due to surface water run-off. (see relevant map at https://flood-warning-information.service.gov.uk/long-term-flood-risk/map).</p> <p>There does not appear to have been a radon risk assessment (I understand this is now obligatory even where the risk is considered low).</p>
<p>65 SOUTH PARK GARDENS, BERKHAMS TED,, HP4 1HZ</p>	<p>The proposed development density is out of character with the remainder of SPG. Policy CS 11 states that, within settlements and neighbourhoods, development should "respect the typical density intended in an area and enhance spaces between buildings. The proposal clearly fails these tests. Further it is at odds with NppF para 58 - it does not add to the overall quality of the area, establish a strong sense of space, or respond to local character.</p> <p>The narrow single lane roadway to the rear of the green space at the south east corner of SPG will not accommodate the (at least doubling) in vehicle movements. There is no pavement for pedestrian safety. Refuse vehicles cannot navigate this roadway.</p> <p>The proposed development would take 9-12 months, thus a prolonged period of disruption for neighbouring residents. Contractors vehicles will invariably park on the green space, causing further damage. Post development the green space would invariably become an overflow car park.</p> <p>As others have noted all plots on SPG, in simple space terms could accommodate additional dwellings. The proposed development would set a precedent that, if continued, would destroy the nature of SPG.</p> <p>As a point of procedure we are surprised not to have received postal notification of the proposed development. We believe that the public notice was only installed externally in the last week or so leaving minimal time for</p>

	<p>a fully considered response. Further, local residents opinions should perhaps have been sought in tandem with the pre-application consultancy, to ensure that such opinions are not just reviewed as an "afterthought".</p>
<p>10 SOUTH PARK GARDENS, BERKHAMS TED, HP4 1JA</p>	<p>Objection to the proposed development.</p> <p>South Park Gardens was designed as, and remains, an open 'garden' street.</p> <p>The four public 'green' areas were an important feature of that design and left for residents to enjoy and use: people can and do walk on them, children can play on them in relative safety, folk can just enjoy them for what they are and they have been used for community gatherings.</p> <p>Though these 'greens' could be more daintily maintained they are valued areas and should be left unaffected by any development plans in S.P. Gdns.</p> <p>This particular development cannot be built without some considerable impact on the relevant corner 'green'; the circumventing road is entirely inadequate in size shape or, most probably, in build strength for construction vehicles or as a through road to the proposed new houses.</p> <p>That cannot change without significantly impacting on the size and shape of the 'green' and that would be unacceptable.</p> <p>While SPG is open at both ends it is not a through road to any destination. It has fairly blind right angled bends at either end and the flow of traffic can already be an issue; as we see when people choose to drive through it rather to quickly in order to avoid congestion or problems on Bridgewater Road.</p> <p>This development could well bring an extra twelve cars all focused on one corner vying for space through a narrow portal to leave or return to those proposed houses.</p> <p>I agree with all the other comments about parking, nature of the street, the approximate shape and form of the housing, maintaining the nature of the town and development being appropriate to the existing built environment.</p>

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<p>1 CORAM CLOSE, BERKHAMSTED ,,,HP4 2JG</p>	<p>This plan would result in over development of the site. I believe it causes damage to the existing character of the area.</p> <p>Under CS11 this development does not respect the typical density intended in the area, nor does it enhance spaces between buildings and general character. Access to the site is likely to damage the existing open space, causing a change in the streetscape.</p> <p>The proposed development is not compatible with the character of the area, having the appearance and density of a modern estate.</p> <p>House 1 is located unnecessarily close to the neighbours boundary.</p> <p>House 6 is located unnecessarily close to the neighbours boundary, and the neighbour will be overlooked due to the position of the proposed property.</p> <p>It is not at all appropriate for 6 medium sized 2 storey houses to have a communal waste area. Each property should have the space and means for proper waste disposal, recycling and other bins, for which they take responsibility.</p>
<p>12 SOUTH PARK GARDENS, BERKHAMSTED ,,,HP4 1JA</p>	<p>This is over development of the site, with poor access to the road. The concomitant increase in traffic will make the road less safe for the many children who live in South Park Gardens. There will almost inevitably be damage to the very attractive green in front of the property, both during the build and later if it gets used (as it will) for parking. The whole development is not in keeping with the architecture of the road.</p>
<p>19 SOUTH PARK GARDENS, BERKHAMSTED ,,,HP4 1JA</p>	<p>South Park Gardens is a residential close, designed for no-through traffic, whose public road is little more than single-width, and with a steady flow of pedestrian traffic, including school children en route for Ashlyns, Bridgewater, and Victoria Schools, taking the public</p>

	<p>footpath that leads to and from the high street.</p> <p>The addition of 24 residents and between 10 and 12 cars on a site with minimal access and served by a private road that, in turn, leads to a blind corner, would distort the original design and over-stretch the layout and functionality of South Park Gardens. Road parking is already problematic in that vehicles have to be half-parked on pavements in order to allow passing room for road traffic, and more traffic will increase the likelihood of a vehicle collision or pedestrian-related accident because of the blind corners at both ends of South Park Gardens.</p> <p>More importantly, gas and sewerage mains pipes run along the foot of the gardens on the south side of South Park Gardens; what impact might these planned buildings have on this British Gas-owned land, on which residents are not permitted to build nor grow certain foodstuffs?</p> <p>Counting the For Sale boards currently on display within a half-mile radius of South Park Gardens, there are six properties on offer which prompts the question whether there is a real need for an additional six properties, or is this just development for money's sake rather than an attempt to meet a genuine housing need?</p>
<p>19 SOUTH PARK GARDENS, BERKHAMS TED, HP4 1JA</p>	<p>South Park Gardens is a residential close, designed for no-through traffic, whose public road is little more than single-width, and with a steady flow of pedestrian traffic, including school children en route for Ashlyns, Bridgewater, and Victoria Schools, taking the public footpath that leads to and from the high street.</p> <p>The addition of 24 residents and between 10 and 12 cars on a site with minimal access and served by a private road that, in turn, leads to a blind corner, would distort the original design and over-stretch the layout and functionality of South Park Gardens. Road parking is already problematic in that vehicles have to be half-parked on pavements in order to allow passing room for road traffic, station taxis use the road as somewhere to 'hover' or turn around until the next train pulls in, shoppers park their cars and walk through to the high street, and increased traffic will increase the likelihood of a vehicle collision or pedestrian-related accident because of the blind corners at both ends of South Park Gardens.</p> <p>More importantly, gas and sewerage mains pipes run along the foot of the gardens on the south side of South Park Gardens; what impact might these planned buildings have on this British Gas-owned land, on which</p>

	<p>residents are not permitted to build nor grow certain foodstuffs?</p> <p>Counting the For Sale boards currently on display within a half-mile radius of South Park Gardens, there are six properties on offer which prompts the question whether there is a real need for an additional six properties, or is this just development for money's sake rather than an attempt to meet a genuine housing need?</p>
63 SOUTH PARK GARDENS, BERKHAMSTED, HP4 1HZ	<p>After viewing the revised application it would appear that very little has changed. The new proposed 3m high acoustic fence will be ineffective as the railway track is in excess of 3m high up on an embankment. To build 6 new houses within 10m of the railway line will provide intolerable noise levels. No other houses in this area are as close the railway line. It is environmentally and socially inappropriate on the grounds of noise and danger to the prospective occupants.</p> <p>The entrance width to the proposed development has been slightly increased. This will be of no real benefit as the access slip road around the green is only 3.1m wide. My previous objections remain on the grounds that it will be harmful to the existing residents of South Park Gardens and it is out of character with the existing area. The proposed density is almost double that of the existing housing and will be totally out of character.</p> <p>The increase in traffic will provide a greater risk to children that play on or around the green.</p>
61 SOUTH PARK GARDENS, BERKHAMSTED, HP4 1HZ	<p>The revised plans indicate that there is very little change to the original submission and consequently I must strongly reiterate my initial objections. The plan is detrimental to the residents and environment in South Park Gardens.</p> <p>It is very close to the very busy mainline railway which will result in excessive noise levels to the proposed properties, particularly with regards to their gardens and any open windows.</p> <p>Access to the development will stress the existing narrow (approx 3.1 metre) road around the green and increase the hazard to the children who use the green.</p>
BERKHAMSTED TOWN COUNCIL, CIVIC CENTRE, 161 HIGH STREET, BERKHAMSTED, HP4 3HD	<p>29-10-18 TP Committee meeting : Objection</p> <p>Despite recent amendments the proposals continue to represent an overdevelopment of the site and do not respect the character of the surrounding area.</p> <p>Notwithstanding the widened estate road, access to the six detached dwellings proposed, each with four bedrooms, is very narrow and therefore inadequate given the scale of the development. The proposals would</p>

	<p>impact adversely on the amenity of surrounding and adjacent properties. Additionally, the houses would be very close to the West Coast Main Line. Although measures to mitigate the resultant noise inside the buildings are proposed, the noise in the gardens and inside, should any windows be opened for ventilation, would be unacceptable. The increased use of tandem parking, which is difficult to manage, would also lead to problems with increased on street parking which might seem an easier option to manoeuvring vehicles in and out of parking spaces.</p> <p>CS11; CS12; Appendix 3 (i), (v) and (vi); BCA13.</p>
61 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1HZ	<p>This is simply a minor modification to the six dwellings application submitted previously. My previous objection still stands, concerning over development, traffic and proximity to the railway</p>
65 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1HZ	<p>Our objections to the revised proposals are exactly as our comments upon the original proposals. The revised proposals do not address any concerns. This remains a significant and inappropriate over-development of the site.</p>
5 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1JA	<p>Absolutely the wrong thing to do, this is a residential area - not a building site and the disruption this would cause would be unbearable to all those already living here. The fact that it is even being put forward is quite unbelievable. This is purely a project to line the pockets of the developers and should definitely not be given permission to continue. We already have substantial disruption just caused by houses in South Park Gardens being re-modelled and something as big and unnecessary as this would be intolerable.</p>
63 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1HZ	<p>The revised application reverts to the original 5 dwellings which still represents substantial overdevelopment of the back garden of number 57. Presumably the developer will continue with this garden grabbing, money making scheme until the planning committee are bullied into accepting it to the detriment of the other residents in SPG. The very slick presentation by the developer to the committee is at odds with the interests of the rest of the residents as can be seen by the objections to the scheme.</p> <p>My previous comments regarding overdevelopment, proximity to the railway, danger to pedestrians and very poor access have not changed.</p>
51 SOUTH PARK GARDENS, BERKHAMS TED,,, HP4 1HZ	<p>I object to this revised over-development.</p> <p>Nothing has really changed in these new plans, It is a white-washing of the original objections by 38 people and should not be allowed to go ahead.</p>

	<p>Furthermore, there is no provision in these plans for the repair to the green space which will inevitably be destroyed by builders' lorries etc gaining access to the site, on a very narrow awkward road.</p>
<p>75 BRIDGEWATER ROAD, BERKHAMSTED,, HP4 1JB</p>	<p>I can't see how the new proposals change anything. All the previous objections remain valid. The developers seem to be mocking the planning process.</p> <p>Another concern I would add is that the sewerage system in this part of Berkhamsted is already overloaded, as is obvious if one takes a walk down the path leading under the railway on a hot day. Adding all these extra houses would only make this worse.</p>
<p>BERKHAMSTED TOWN COUNCIL, CIVIC CENTRE, 161 HIGH STREET, BERKHAMSTED, HP4 3HD</p>	<p>Objection</p> <p>The Committee's objections previously submitted prevail.</p> <p>The proposals represent an overdevelopment of the site and does not respect the character of the surrounding area. Access to the five detached dwellings proposed, i.e. the existing road is very narrow and therefore inadequate given the scale of the proposed development. The proposals would impact adversely on the amenity of surrounding properties. Additionally, the houses would be very close to the West Coast main line. Although measures to mitigate the resultant noise inside the buildings are proposed, the noise in the gardens and inside, should any windows be opened for ventilation, would be unacceptable.</p> <p>The Committee emphasised that the Noise Report supports its view that the noise in the rear gardens would be excessive and very large acoustic fences would need to be erected as a result.</p> <p>CS11; CS12; Appendix 3 (i), (v) and (vi); BCA13.</p>
<p>BERKHAMSTED TOWN COUNCIL, CIVIC CENTRE, 161 HIGH STREET, BERKHAMSTED, HP4 3HD</p>	<p>Objection</p> <p>The Committee's objections previously submitted prevail.</p> <p>The proposals represent an overdevelopment of the site and does not respect the character of the surrounding area. Access to the five detached dwellings proposed, i.e. the existing road is very narrow and therefore inadequate given the scale of the proposed development. The proposals would impact adversely on the amenity of surrounding properties. Additionally, the houses would be very close to the West Coast main line. Although measures to mitigate the resultant noise inside the buildings are proposed, the noise in the gardens and inside, should any windows be opened for ventilation, would be unacceptable.</p> <p>The Committee emphasised that the Noise Report</p>

	<p>supports its view that the noise in the rear gardens would be excessive and very large acoustic fences would need to be erected as a result. CS11; CS12; Appendix 3 (i), (v) and (vi); BCA13.</p>
<p>Councillor Rick Freedman</p>	<p>Good afternoon all.</p> <p>In the current confusing climate in regards to contentious applications, I'd like to invoke my power to call in planning application 4/01866/18/FUL, (57 South Park Gardens) in the Berkhamsted Castle Ward.</p> <p>This application has already been objected to by Berkhamsted Town Council, so hopefully it was due to be referring to Development Management Committee at any rate, but I felt it was worth being thorough to ensure it doesn't get directed down the new emergency powers route.</p> <p>Residents are particular concerned that the report prepared by Humpreys & Co solicitors (attached) is part of the planning decision and thus attached to the application. Residents representation that would be voiced at a meeting (most likely by myself) is also attached – again in case there is any possibility this could be considered under the emergency powers route.</p> <p>Primary concerns on the application remain unaddressed, even on Mr Seeds thorough report of 15th April.</p> <ol style="list-style-type: none"> 1) Density on the site is above the agreed threshold 2) The proposed sound barriers built at garden level would not even reach the height of the railway line, and thus would provide no noise reduction. Sound barriers need to either account for the substantial height difference between the railway line and the garden or else stipulate they need to measured from railway height. 3) (Particularly in response to section 9.5 in Mr Seeds report) – the decision/descriptions regarding to access to the property continues to reference an access width of 4.8m, ignoring the bottle neck of 3.1m width restriction on the road in order to get to the new driveway of this width. As evidenced with considerable damage caused to the public green open space at the other end of South Park Gardens by much smaller developments on this plot, it's inevitable that construction traffic will substantially damage this public space, and the mature trees which currently occupy it. <p>Finally, I am personally incredulous as to how a 2.5m</p>

sound insulating wall can be erected without damaging or removing the existing mature trees around the property border; yet the sound report seems to account for a dampening effect for both barriers (and still exceeds acceptable levels for human occupation.)

Many thanks in advance for your consideration. Kind regards,

Rick Freedman

Additional Comments:

Dear Chair and Committee

I represent many of the residents of SPG - over 44 of whom have placed Objections (the 2020 objections do not appear on Website ?) to this application including 3 refusals by Berkhamsted Town Council and a vote against it at the last Dacorum Meeting in July 2019. At which point the applicants were asked by the Chair to further resolve the noise issue. Despite the majority of Councillors objecting to the application.

Berkhamsted Town Council Civic Centre 161 High Street
Berkhamsted HP4 3HD (Objects)

Comment submitted date: Mon 14 Jan 2019

Objection

The Committee's objections previously submitted prevail.

The proposals represent an overdevelopment of the site and does not respect the character of the surrounding area. Access to the five detached dwellings proposed, i.e. the existing road is very narrow and therefore inadequate given the scale of the proposed development. The proposals would impact adversely on the amenity of surrounding properties. Additionally, the houses would be very close to the West Coast main line. Although measures to mitigate the resultant noise inside the buildings are proposed, the noise in the gardens and inside, should any windows be opened for ventilation, would be unacceptable.

The Committee emphasised that the Noise Report supports its view that the noise in the rear gardens would be excessive and very large acoustic fences would need to be erected as a result.

CS11; CS12; Appendix 3 (i), (v) and (vi); BCA13

Here we are over 9 months later with a revised application which is EXACTLY the same as the one the Town council rejected 3 times !! bar a proposed change in a Sound Solution.

The residents of SPG commissioned a report in 2019 prepared by Humphries a planning solicitor which was given to the Dacorum Councillors which we feel gave rise to the majority vote against the application.

We assume that now the application is back with Town Council and some of you will not have had access to this report as we were not aware that this hearing would be taking place back at Berkhamstead and during lockdown and the day after a Bank Holiday and therefore have not been able to submit our report to its members. This is most unfair as all the committee at Dacorum have read it.

Re this revised application –

The only amendment is to screen walls / fencing to mitigate excessive noise issues -

They have added 1m screen walls and 2m polycarbonate screens in between the units to reduce sound from the railway which is hardly a solution. How does this give privacy between gardens ? how safe is it if it fails and falls ?

The main source of noise in the gardens is that the houses back onto the railway (3m ABOVE) and in most instances under the recommended 10m away from the railways The noise report itself stated the only way to alleviate this was with a 5m high acoustic fence. Which even they said was impractical.

Indeed in the AIRO report in Feb 2020 they still say that with the screens the noise level will be between 63 – 66 db... where the requirement is for 55db. They state that this measurement is taken at a height of 1.2 ie average head height of an adult... this is ridiculous and measured where the best noise level can be achieved.. Therefore the solution remains above recommendations.

So it has taken 9 months to come up with the solution you see before you which does not address the main issue at all.

The town Council has rejected this already on many other grounds other than sound and as this the only change we ask again that is refused. A summary of our other main objections are as Follows.

	<p>1 Density – This has been everyone’s main complaint from the start - Residents and Town Council alike CS11 requires Density of 15 pha. this is at 19.23.. at 15 this would be 3 houses which would be much more acceptable.</p> <p>2 . Access - The current Access is for 6 properties at both ends of SPG and not designed for 4 more houses. It is stated in the Report the development is to be served by a 2 way 4.8m road. Whilst this is correct nowhere does this take into account that to get to this road is via a one car width 3.1 m road ! (not 3.5 as stated on the drawings !). This is all very misleading and I am very surprised Highways have approved this when looked at as a whole and not the site in isolation. We have never been privy to this report.</p> <p>3 Noise - These are meant to be Family houses but as pointed out in the Noise report the Upper guidance for noise is 55db. The site is at 67db so falls woefully short. The noise for families in the gardens would be intolerable. And whilst additional glazing etc in the house is proposed residents would never be able to have any windows open. The Acoustic fence is noted at 3m BUT should be 5 m as required . Though we wonder where this is to be sited ? if at bottom of railway embankment will offer no reduction at all if 3m high.</p> <p>4 Design – Whilst the designs are not in keeping with the majority of the Street scene of Chalet style houses the big issue is overlooking from 1st floor Bedroom Windows, Plots 2 / 3 / 4 / 5 all have direct views over the garden and rear of no 59 whilst Plot 1 looks directly into no 55 garden. So complete invasion of current private amenity space has been compromised.</p> <p>With these issues we all feel this application should be refused.</p>
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Supporting

Address	Comments
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Commenting

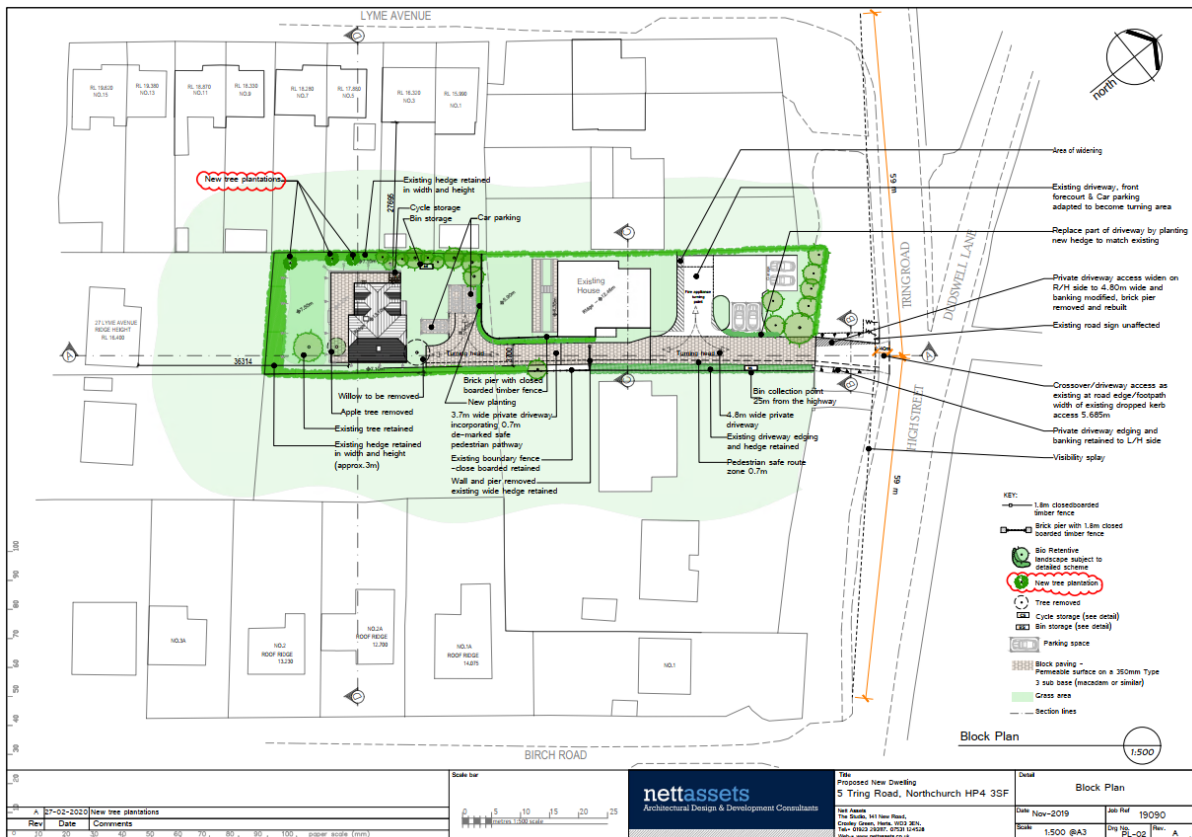
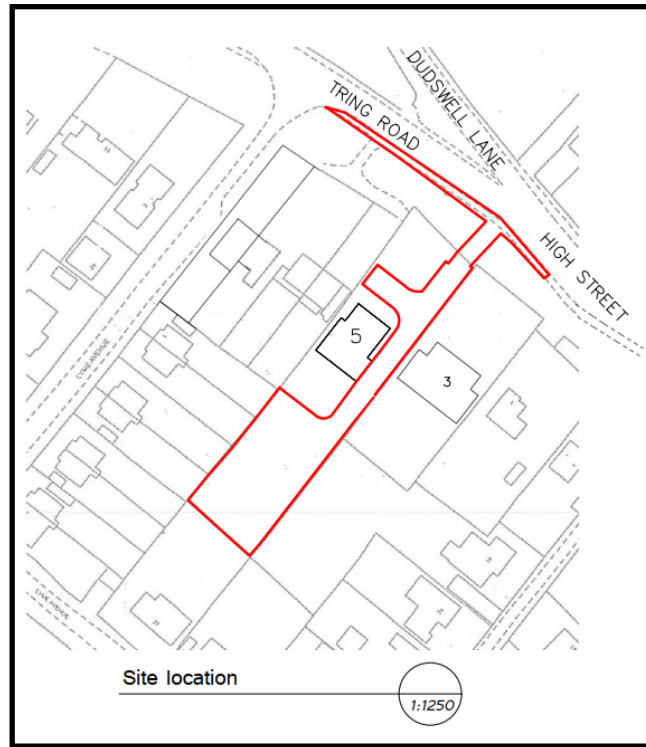
Address	Comments
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Agenda Item 5b

Item 5b 19/03272/FUL

Construction of new chalet bungalow to the side/rear of 5 Tring Road.

Land To The Side/Rear 5 Tring Road, Dudswell, Berkhamsted, Hertfordshire, HP4 3SF



Item 5b 19/03272/FUL

Construction of new chalet bungalow to the side/rear of 5 Tring Road.

Land To The Side/Rear 5 Tring Road, Dudswell, Berkhamsted, Hertfordshire, HP4 3SF



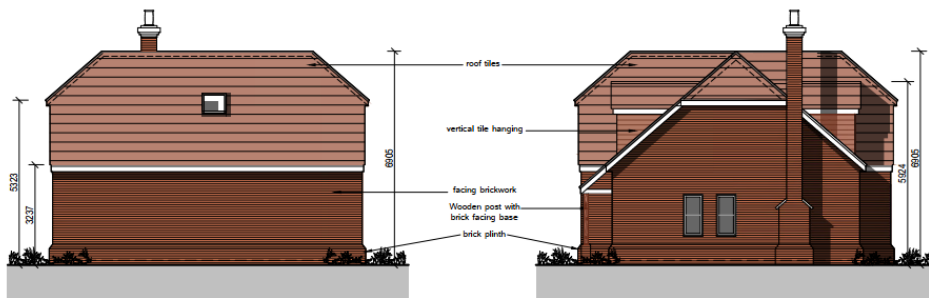
Proposed Front Elevation

1:100



Proposed Rear Elevation

1:100



Proposed Side Elevation (Left)

1:100

Proposed Side Elevation (Right)

1:100

ITEM NUMBER: 5b

19/03272/FUL	Construction of new chalet bungalow to the side/rear of 5 Tring Road.	
Site Address:	Land To The Side/Rear 5 Tring Road Dudswell Berkhamsted Hertfordshire HP4 3SF	
Applicant/Agent:	Mr Tucker	
Case Officer:	Heather Edey	
Parish/Ward:	Northchurch Parish Council	Northchurch
Referral to Committee:	Called in by Cllr Pringle	

ORIGINAL REPORT

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed new chalet bungalow and associated works are considered to be acceptable in design terms, given that they would not be considered to detract from the character and appearance of the streetscene or surrounding area.

2.2 Furthermore, it is not considered that the proposal would adversely affect the residential amenity or neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Given the amendments made to the scheme following pre-application discussions with the Highways Authority, it is not considered that the proposal would give rise to significant highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would be provided for future occupiers of the site in line with relevant policies.

2.3 Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

3. SITE DESCRIPTION

3.1 The application site comprises land to the side and rear of No. 5 Tring Road, in Dudswell, Berkhamsted. The topography of the site sees the ground rising from north east to south west by approximately 7m, and from south east to north west by approximately 500mm. The site is located in an urban area, within the residential area of Northchurch, within close proximity of the junction of Tring Road and Dudswell Lane.

3.2 The pattern of development in the area is characterised by a mix of detached and semi-detached dwellings of varying architectural styles and designs, with large two storey detached properties fronting Tring Road, and more modest two storey detached dwellings and bungalows positioned to the south east. In addition to this, semi-detached properties front Lyme Avenue to the north west, whilst properties to the south west consist of a bungalow and chalet bungalow. Though varying in size and style, neighbouring properties are typically finished in a combination of red roof tiles, white render and brown and red brick.

4. PROPOSAL

4.1 Planning permission is sought to construct a new chalet bungalow measuring 10m deep and 13.5m wide. Comprising two front and two rear dormers to facilitate four bedrooms within the roof slope, the new chalet bungalow would be constructed in facing brickwork, clay tiles and uPVC window finishes.

4.2 The new bungalow would be accessed via the existing driveway serving No.5 Tring Road. To facilitate additional cars using this driveway, the application proposes modest alterations to this existing access, with works involving a slight reshaping of the existing bank, increasing the width of the crossover to 4.8 wide and improving the existing turning area in front of No.5 Tring Road to allow sufficient manoeuvring space for large emergency vehicles.

4.3 A new turning head would be positioned to the front of the new bungalow, enabling future occupants of the site sufficient access to the three designated off-street car parking spaces.

4.4 The scheme also provides details regarding the proposed cycle and storage arrangements for the new dwelling, (with a new timber framed bin store being positioned to the front of the dwelling, and a new cycle store being positioned to the side of the dwelling), as well as detailing the proposed arrangements for private amenity space and associated soft/hard landscaping.

4.5 The current application reflects an amended scheme to that proposed under previous planning application 4/03324/17/FUL – with the original application seeking permission for the construction of two pairs of semi-detached dwellings (4 new units). The previous application was refused at Development Management Committee.

4.6 Though the applicant appealed the decision made by the Development Management Committee, the Planning Inspector dismissed the appeal on the grounds that the development would fail to provide safe and suitable access for current and future occupiers of the site, and noted that the rear garden amenity spaces for all four units would be out of character with the large rear gardens of neighbouring properties by virtue of their scale.

5. PLANNING HISTORY

Planning Applications (If Any):

4/03324/17/FUL - Construction of two pairs of semi-detached dwellings (4 units in total) with shared driveway
REF - 31st May 2018

4/00394/02/FHA - Detached garage
GRA - 18th April 2002

4/01885/01/FHA - Detached garage
REF - 17th December 2001

4/00398/99/FHA - Two storey rear and side extensions and alterations to roof
GRA - 21st June 1999

Appeals (If Any):

4/03324/17/FUL - Development Appeal
APPEAL DISMISSED – 26th March 2019

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

CIL Zone: CIL1

Former Land Use (Risk Zone): Former Landfill, Tring Road, Northchurch

Former Land Use (Risk Zone): Infilled Ponds, Dudswell Lane, Northchurch

Parish: Northchurch CP

RAF Halton and Chenies Zone: Yellow (45.7m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

RAF Halton and Chenies Zone: Green (15.2m)

Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)

Town: Berkhamsted

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)

Planning Obligations (2011)

Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.0 The main issues to consider are:

The policy and principle justification for the proposal;

The quality of design and impact on visual amenity;

The impact on residential amenity; and

The impact on highway safety and car parking.

Principle of Development

9.1 The site is situated within the residential area of Northchurch, wherein Policies CS1 and CS4 are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) guides new development to towns and large villages, encouraging the construction of new development and housing in these areas. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas.

9.2 In light of the above policies, the proposal for a new chalet bungalow within the residential area of Northchurch is acceptable in principle.

Quality of Design / Impact on Visual Amenity

9.3 The NPPF (2019) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.4 The proposed development would constitute tandem development, in that it would see a new dwelling sited behind an existing house and sharing access arrangements. The SPD 'Area Based Policies' states that this is a generally unsatisfactory form of accommodating new housing. The reason for this is two-fold – inefficient use of scarce urban land, and impact on the character of the area.

9.5 In respect of the first point, it is noted that the urban grain of the surrounding area is such that only the current application site and neighbouring property could accommodate new development within the rear garden. As such, it is not considered that the proposed development would prevent a more efficient use of urban land, given that there is a possibility that any neighbouring development could utilise the same access used to facilitate the current proposal.

9.6 In respect of the second point, it is important to note that the development is compatible with the density of the local area. The site falls within the BCA19: Northchurch Character Area Appraisal wherein new development is expected to be compatible with the character within the existing density range, (i.e. not normally exceeding 15 dwellings/ha). The overall site (existing dwelling and proposed dwelling) would have a density of 14.4 dwellings/ha. Surrounding plots when viewed in isolation have plot densities ranging from 6 to 31 dwellings/ha. As such, the proposed scheme is of a compatible density to the local area and complies with this policy requirement.

9.7 Furthermore, properties within the surrounding area consist of a range of styles and sizes, including semi-detached dwellings, bungalows and larger detached properties with no single prevailing architectural style. BCA19: Northchurch states that bungalows are common within the local area and are an acceptable form of housing type for new development.

9.8 Under the previous appeal case, the Planning Inspector noted the low density of neighbouring properties, noting that they are usually situated within '*generous leafy gardens, giving a spacious character to the area.*' It is considered that by amending the proposals to a single new dwelling this has created the sense of spaciousness required in the determination of the previous submission and its appeal.

9.9 Though it is noted that the new dwelling would have a shorter rear garden than those of neighbouring properties 1-15 Lyme Avenue, it is not considered that this element of the proposal would detract from the spacious character of the area, given the variance in densities among neighbouring properties, and noting that the proposed rear garden would be in keeping with the rear

gardens of neighbouring properties 27 Lyme Avenue and 5 Tring Road. It should also be noted that the proposed rear garden is wider than that found typically nearby and, therefore, when considering the overall area of the rear garden, it is broadly compatible with those in surrounding properties.

9.10 Though there are several common design features within the locality, (including front bay windows and external brick, tile and render wall finishes), there is no strong theme in the characteristics of neighbouring buildings. It is however considered that the proposed new chalet bungalow has been sympathetically designed to respect adjoining properties, given that it would be constructed in materials to integrate with neighbouring properties, including similar facing red brickwork, clay tiles and uPVC window finishes. It is also noted that the new dwelling has been designed to reduce its visual bulk so as not to appear overtly prominent, noting that the new chalet bungalow would comprise two front and two rear dormers to facilitate four bedrooms within the roof slope.

9.11 The current application seeks permission to construct a new chalet bungalow measuring 10m deep and 13.5m wide. Though situated approximately 80m set back from the highway, the proposal would be visible within the streetscene, given its positioning in relation to existing dwelling No.5 Tring Road. Nevertheless, given everything considered above, the proposed development is considered to represent an improvement to the previous scheme, in keeping with the character of built form within the surrounding area, and overall, would not dominate or look out of place within the locality.

9.12 In conclusion, the proposed new dwelling is considered to reflect an attractive addition to the area; bringing its own sense of character through utilising materials in keeping with the wider area.

9.13 The application also proposes modest alterations to the existing access serving no. 5 Tring Road, with works involving a slight reshaping of the existing bank, increasing the width of the crossover to 4.8 wide and improving the existing turning area in front of no. 5 Tring Road to allow sufficient manoeuvring space for large emergency vehicles.

9.14 Given the scale and nature of these works, it is not considered that these alterations would have any adverse impacts on the character and appearance of the surrounding area.

9.15 Given the above assessment, the proposal is considered to be acceptable in design terms, according with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013), the BCA19: Northchurch Character Appraisal Area and the relevant sections of the NPPF (2019).

Impact on Residential Amenity

9.16 The NPPF (2019) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.17 The application site would share boundaries with neighbouring properties 1, 3, 5 and 7 Lyme Avenue, a rear boundary with no. 27 Lyme Avenue and side boundary with no. 1a Birch Road.

Visual Intrusion

9.18 As evident on drawing PL-07 Rev A3, the proposed new chalet bungalow would sit below the two storey properties and bungalows on Lyme Avenue, but marginally above the properties on Birch Road, given the topography of the site.

9.19 It is however noted that the application site and new chalet bungalow have been positioned and laid out to ensure that adequate spacing and separation distances are maintained between the new

development and surrounding properties. For example, the proposed separation distances between the new dwelling and nearest neighbouring properties 3 and 27 Lyme Avenue range between 27m and 35m, complying with the separation distances set out under relevant policy (i.e. Saved Appendix 3).

9.20 Furthermore, the new chalet bungalow has been sympathetically designed to reduce its visual bulk, noting that it would comprise a maximum height of 6.9m and would comprise first floor bedrooms facilitated within the proposed roof slope.

9.21 Taking all of the above into account, it is not considered that the proposed new dwelling would appear visually overbearing or intrusive to neighbouring properties.

Loss of Light

9.22 The proposed development has been designed to avoid obstructing daylight to existing windows/rooms of neighbouring properties, with the '25 degree test' being demonstrated on drawing PL-07 Rev A3, in line with the guidance set out under the Building Research Establishment's (BRE) - Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011). Given that the new chalet bungalow falls well below the 25 degrees lines evidenced on this plan, it is not considered that the proposal would have a significantly detrimental impact to daylight levels of existing properties.

Loss of Privacy

9.23 The site and new dwelling has been laid out to minimise harmful overlooking of neighbouring properties. Firstly, no first floor windows have been proposed to the side elevations of the new chalet bungalow facing neighbouring properties, with all first floor windows being positioned on the front and rear elevations. Noting the scale of the proposed chalet bungalow and the separation distances that would be retained between these windows and the neighbouring properties 5 Tring Road and 27 Lyme Road, (i.e. ranging between 26m and 36m), it is not considered that these windows would facilitate any harmful overlooking of neighbouring properties.

9.24 It is also noted that ground floor windows would be largely concealed from view of neighbouring properties, given the topography of the site and the positioning of the existing mature boundary hedge.

9.25 When considering the previous planning application at appeal, (i.e. 4/03324/17/FUL), the Planning Inspector raised no concerns in relation to the proposals impact on residential amenity.

9.26 In light of everything considered above, the proposal would not be considered to have any adverse impacts on the residential amenity of neighbouring properties according with Policy CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the relevant sections of the NPPF (2019).

Impact on Highway Safety and Parking

9.27 The NPPF (2019), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Policy 58 of the Local Plan (2004) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

Accessibility, Safety and Capacity

9.28 During the previous application and subsequent appeal, concerns were raised with regards to highway safety, with the Planning Inspector arguing that the previous development failed to provide safe and satisfactory access onto the highway. In particular, they raised the following concerns:

1. Concerns relating to the width of the existing access, noting that it was too narrow to prevent two cars passing each other, thereby resulting in a build-up of cars on the highway
2. Concerns relating to whether the site would allow sufficient manoeuvrability space for emergency vehicles to safely access the site
3. Concerns relating to pedestrian safety – i.e. the lack of provision for pedestrians accessing the site

9.29 In light of the above concerns, the applicant entered into pre-application discussions with Hertfordshire County Council as the Highways Authority prior to the submission of the current application. Following these discussions, the scale of development has been reduced, (from four new units to one chalet bungalow), with a number of alterations also being proposed to the existing access in order to address these concerns.

9.30 The current application proposes to increase the width of the bellmouth of the junction from 3.97m to 4.8m to allow two cars to pass each other, thereby preventing the build-up of traffic on the highway. In addition to this, alterations have been proposed to the turning head opposite no. 5 Tring Road, with a new turning head being introduced in front of the new chalet bungalow, with the intention of providing sufficient space for emergency vehicles to access the site. Finally, a new safe zone, (measuring 0.7m wide), has been introduced to allow pedestrians safe access to and from the site.

9.31 The Highways Authority considered all of the above alterations and have raised no objections on highway and pedestrian safety grounds, noting that they would not consider the proposal to have an adverse impact on the safety and operation of the adjoining highway, subject to certain conditions and informatives. They have also noted that the proposal falls under the threshold for a transport statement/assessment and traffic impact study, and noted that the widening of access on highway land is satisfactory subject to the implementation of a Section 278 Agreement.

9.32 Given everything considered above, the proposal is considered to be acceptable in terms of its impact on highway and pedestrian safety.

Parking

9.33 The submitted plans indicate that three off-street car parking spaces would be provided for the new chalet bungalow. Given that the proposal would involve the construction of a four bed dwelling, the proposed parking provision would accord with the Council's maximum parking standards. It is also noted that the site is situated within a sustainable location, with public transport links, (i.e. bus links), within close proximity of the site.

Other Material Planning Considerations

Amenity Space

9.34 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. It also notes that a reduced rear garden depth may be acceptable in some cases, in particular, for development that backs onto, or is sited within close proximity of open land, public open space or other amenity land.

9.35 As part of the previous appeal, the Planning Inspector raised concerns that the proposed rear gardens would be significantly less spacious and more cramped than rear gardens of properties in the surrounding area, and as such, out of character with neighbouring properties.

9.36 Under the current proposal, a rear private amenity space of approximately 14m would be provided, providing a rear garden area of 195m². In light of this, it is considered that sufficient private amenity space would be provided for future occupiers of the site.

Waste Management

9.37 The application provides details for refuse storage, noting that a bin store would be positioned to the side of the site. The submitted plans also indicate a proposed collection point for the bins, within 25m of the highway in accordance with the Dacorum Refuse and Storage Guidance Note (2015).

9.38 Though the occupants would have to take the bins approximately 55m to reach the collection point, it is not considered that this would be unreasonable, given the nature of the site, and noting the frequency within which this trip would need to be made.

Ecology

9.39 Though formal comments were sought from the County Ecologist, no comments were received. Under the previous application, it was however noted that the site is of limited ecological interest, and as such, no ecology survey was required. In line with the recommendations made by the County Ecologist under the previous scheme, the proposal would involve the adoption of a 'hedgehog highway.'

Drainage

9.40 Following the review of the Environment Agency maps for surface water flood risk, the proposed development is at a predicted low risk of flooding from surface water. Though the Council sought comments from Hertfordshire Country Council, as the Lead Local Flood Authority (LLFA), no comments were received. Under the previous application however, they noted that they have no records of flooding in this location, acknowledging that there are no watercourses or surface water sewers within the vicinity of the site.

Response to Neighbour Comments

9.41 A number of neighbours have raised objections to the scheme. The points raised have been considered and discussed in more detail during earlier sections of the report.

Community Infrastructure Levy (CIL)

9.42 Policy CS35 of the Core Strategy (2013) requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is CIL liable.

Case Officer Response to Additional Consultation Responses Received

9.43 Following the publication of the original report, additional concerns have been raised by Councillor Pringle and local residents (see Appendix C). These concerns relate to the following issues:

- Highway and Pedestrian Safety
- Access for Refuse Trucks/Emergency Vehicles
- Refuse Collection Arrangements

- Fire Strategy

9.44 These issues have been considered and discussed in more detail below.

Highway and Pedestrian Safety

9.45 Objections have been raised to the earlier assessment that the proposed development would provide safe and satisfactory access onto the Highway. Whilst it is noted that the existing junction is complex and busy during peak hours, the key issue of consideration to this application is whether the proposed development would have a severe residual impact on highway and pedestrian safety.

9.46 Whilst it is noted that concerns were raised in relation to highway and pedestrian safety under the previous application and subsequent appeal, the current application reflects a significantly altered scheme, with permission being sought under this application for the construction of a single chalet bungalow as opposed to four new units. In light of this alteration, the new development would generate a significantly reduced number of movements, with fewer cars using the existing drive to access the highway. In light of this, and noting the proposed alterations to the access set out under earlier paragraph 9.30, it is not considered that the proposal would have a severe residual impact on highway and pedestrian safety.

9.47 Under the appeal linked to application 4/03324/17/FUL, the Planning Inspector noted the requirement for a Road Safety Audit prior to the grant of any formal planning permission to ensure that the proposed access arrangements were satisfactory. No Road Safety Audit has been provided in support of the current application as the Highways Authority advised that this was not required in this instance due to the scale and nature of the proposed development.

9.48 Challenges have also been raised in relation to the advice provided by the Highways Authority, with queries being raised in regards to whether they were fully informed in relation to the sites' past history and the concerns of local residents prior to providing their formal comments. As part of the consultation process, the Highways Authority were made aware of the sites' past history, and were re-consulted in light of additional information provided by residents in relation to a recent accident. The Highways Authority confirmed no change to their response in light of this information, noting that they recommend the development be approved subject to the initially suggested conditions and informatives.

Access for Emergency Vehicles

9.49 Concerns have been raised with regards to whether sufficient space would be provided to enable emergency vehicles to safely access and leave the site without having to reverse onto the highway. As earlier noted in paragraph 9.30, a new turning head has been provided to the front of no. 5 Tring Road, enabling emergency vehicles to safely access and leave the site in a forward gear.

Access for Refuse Trucks/Refuse Collection Arrangements

9.50 The proposed refuse arrangements have been set out and considered under earlier sections of the report, i.e. paragraphs 9.37 and 9.38.

9.51 Whilst it is noted that the new turning head positioned in front of no. 5 Tring Road would enable smaller refuse vehicles sufficient access to the site, it is noted that the DBC refuse team raised no objection to the proposed bin collection strategy during pre-application discussions with the applicant, and noted that it would be unlikely that a refuse vehicle would need to access the driveway.

Fire Strategy

9.52 Drawing PL-09 Rev A3, sets out the proposed Fire Appliance Strategy, with a swept path diagram evidencing that fire appliances would have sufficient room to access the site and use the new turning head to reverse a 20m distance to reach the new chalet bungalow. Given that these arrangements would accord with the requirements set out under Building Regulations, with the fire appliance being positioned within 45m of all parts of the building, no issues are raised in relation to this element of the proposal.

10. CONCLUSION

10.1 The application is recommended for approval.

10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed new chalet bungalow and associated works are considered to be acceptable in design terms, given that they would not be considered to detract from the character and appearance of the streetscene or surrounding area. Furthermore, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Given the amendments made to the scheme following pre-application discussions with the Highways Authority, it is not considered that the proposal would give rise to significant highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would be provided for future occupiers of the site in line with the relevant policies. Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

Condition(s) and Reason(s):

- 1. The development hereby permitted shall begin 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. Contaminated Land Condition 1:**

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- (ii) The results from the application of an appropriate risk assessment methodology.**

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Core Strategy (2013).

3. Contaminated Land Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Core Strategy (2013).

4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

5. The proposed car parking spaces shall have measurements of 2.4m x 4.8m (minimum). Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.

Reason: In the interest of highway safety, in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013) and Saved Appendix 5 of the Dacorum Local Plan (2004).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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: Schedule 2, Part 1, Classes A, B, and E; Part 2, Classes A, B and C.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character of the area, in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

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

PL-05 Rev A3
PL-06 Rev A3
Policy CS29 Checklist
PL-02 Rev A
PL-08 Rev A3
PL-04 Rev A3
PL-07 Rev A3
19090-DA01
PL-01 Rev A3
PL-09 Rev A3
PL-07 Rev A3
2223-001
2223-002

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

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. ENVIRONMENTAL HEALTH INFORMATIVES:

Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

3. CONTAMINATED LAND INFORMATIVE:

Informative:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

4. HIGHWAY INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their 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. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. 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.

3. 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

4. Section 278 Agreement: The proposal includes works to the Highway verge to widen the existing driveway. The applicant is required to enter into a Section 278 agreement for this work. This will ensure that all work undertaken on the highway is constructed to the Highway Authority's current specification to an appropriate standard and by a contractor who is authorised to work on the public highway. In accordance with Hertfordshire County Council publication, 'Roads in Hertfordshire – A Guide for New Developments', a Section 278 agreement will be required before any such works are undertaken.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
<p>Environmental And Community Protection (DBC)</p>	<p>ENVIRONMENTAL HEALTH:</p> <p>No objections on noise or air quality grounds.</p> <p>I would advise including our construction informative noting the site has a large of existing residential in close proximity. Construction Hours of Working - (Plant & Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Noise on Construction/Demolition Sites Informative</p> <p>The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.</p> <p>CONTAMINATED LAND:</p> <p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development. However, although it is acknowledged that there is no formal land use on or immediately adjacent to the application site that would be expected to result in ground contamination, the proposed end use is for a new residential dwelling. This is a sensitive land use that would be vulnerable to the presence of any contamination and so it is considered appropriate for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present will be remediated.</p> <p>Given the small scale of the development and site specific</p>

circumstances it is considered that completion of the land contamination assessment questionnaire for small development sites with proposed sensitive end uses would be proportionate. This questionnaire has been attached to the email and should be completed by the applicant and returned to the LPA. If the information provided within the questionnaire is satisfactorily completed before the planning decision is made and it does not highlight any issues then there is no need for contaminated land conditions.

If the questionnaire is not completed prior to the decision notice then the following planning conditions should be included if permission is granted. The completed questionnaire may then be sufficient to discharge the conditions.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement

	<p>report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2:</p> <p>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
Hertfordshire Highways (HCC)	<p>Decision</p> <p>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</p>

restrict the grant of permission subject to the following conditions:

CONDITIONS

1. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

2. Highway Proposals

The proposal includes works in the Highway verge to widen the existing driveway, although there are no plans to widen the existing vehicular access. The applicant is required to enter into an S278 agreement for this work.

Reason: To ensure all work undertaken on the highway is constructed to the Highway Authority's current specification, to an appropriate standard and by a contractor who is authorised to work in the public highway and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments", an S278 agreement will be required before any such works are undertaken.

Further information is available by telephoning Highways on 0300 1234047 or using this link:-

http://www.hertfordshire.gov.uk/services/transtreets/highways/highway_sinfo/hiservicesforbus/devmanagment/dmhwaysec278/

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their 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. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. 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.

3. 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

COMMENTS

The proposal is for Construction of new chalet bungalow to the side/rear of 5 Tring Road.

The site is on land behind the existing property at 5 Tring Road Northchurch, from which it is accessed. The existing access is 3.7m wide, with good visibility to both sides.

Tring Road is shown on Definitive Maps as a Main Distributor classified road, the A4251 with a 30mph speed limit. Vehicles are required to enter and leave the highway in forward gear.

PARKING

The proposal is to provide a total of 3 parking spaces for the new property. Recommended parking levels are set by the LPA

ACCESS

	<p>The proposal is that the existing vx0 will serve the new property, however the access across the verge requires widening. An S278 agreement must be obtained for this work to be undertaken. Document "Fire Appliance Plan (Strategy)" demonstrates that large vehicles, eg fire appliance, are able to access the site and use the turning head provided to be able to enter and leave the site in forward gear.</p> <p>Arrangements have been made for the storage of waste. Although no specific arrangements have been made for the collection of waste, refuse trucks would be able to access the properties.</p> <p>CONCLUSION</p> <p>The proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes above.</p> <p>ADDITIONAL COMMENTS</p> <p>I did investigate an accident which occurred in 2016 in that vicinity last year. The salient points are that an elderly man fell off his bicycle in front of a bus stop. This was nothing to do with the road conditions, but more to do with the health of the cyclist. There was no personal injury at that accident.</p> <p>The more recent one mentioned by the resident I cannot find referenced anywhere, but the resident states that although “the front of the Range Rover was ripped off, ... thankfully nobody was badly injured”.</p> <p>This does not change my response.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
25	5	0	5	0

Neighbour Responses

Address	Comments
3 Lyme Avenue Northchurch Berkhamsted Hertfordshire HP4 3SG	<p>I write to express my concerns and objections to the proposed development to the side and rear of 5 Tring Road, Dudswell.</p> <p>Despite the applicant's claims to have addressed the very serious road traffic issues the original application posed for road users and pedestrians, I believe the new proposal stills has serious issues.</p>

1. Wider bellmouth

The application suggests the entrance on to the driveway from Tring Road can be widened to address the issue of cars coming on to the drive and leaving the property at the same time.

My objections to this are:

On drawing reference PL-07, only one car is shown positioned some distance away from the junction with Tring Road. I am not sure how this supports the proposal because I believe this actually highlights serious flaws:

a. The drawing omits to include swept paths to indicate the path of travel vehicles at this junction will require. I believe that if these were included the on-going inadequacy of the entrance to the driveway will be clear to see.

To demonstrate the proposal overcomes the serious concern about waiting on Tring Road to enter the drive or having to back on to Tring Road if a vehicle is coming down the drive, the applicant should have included swept path lines for vehicles. I believe that if these are drawn on to show a vehicle entering the drive from Tring Road, approaching from either direction, with a car waiting to exit the drive there will not be sufficient space. The sweep of the vehicle entering the drive will clearly encroach on to the space of the waiting car, thereby not providing the safe waiting space claimed to have been provided. I question why this wasn't included on the drawings since it would conclusively demonstrate the applicant's claims to have solved the major concern held by the Appeal Inspector.

b. If a car enters the drive when another is either waiting to exit, or the arriving vehicle has to wait for a car coming down the drive, then the pedestrian safe zone will be blocked. If all three were to coincide then the pedestrians would be at serious risk of harm. I think the logic claimed that the addition of one property makes such scenarios unlikely, "...probably less important now that the development is only a single property", is poor and good, safe design should not rely on a 'fingers-crossed' approach, especially when people's safety is in question.

I object to the proposed widened bellmouth because I do not believe it has been sufficiently and adequately demonstrated to be true.

2. Additional traffic on to Tring Road at a dangerous junction

The additional single dwelling will introduce additional traffic at a junction on Tring Road which is already very busy and was proved to be dangerous during the appeal process. It is inappropriate to introduce further traffic at this location. It isn't simply a matter of visibility when entering on to Tring Road from the shared driveway but whether or not the safety of road users and pedestrians is further endangered by this development which I believe it will be. The Appeal Inspector noted "the proposal would not provide safe and suitable access for all" and I believe this remains the case.

I object to the additional traffic this development will introduce at this specific location on Tring Road due to the interaction with Dudswell Lane, the bus stops, the entrance to the nursery/cricket ground and the

repeater station.

In addition to the road traffic issues, my further objections are:

3. Fire strategy

I read with some incredulity the proposed fire strategy. My objections to this are:

- a. The only way the applicant can make this too narrow, insufficient drive appear to overcome the Appeal Inspector's concerns that the width is not sufficient for emergency vehicles is to propose that the Appliance will undertake the most incredible manoeuvre in order to achieve a forward gear exit from the site.
- b. If there is a fire, is the time lost by the fire appliance having to turn and reverse acceptable?
- c. For this fire strategy to work, will every response vehicle know they are expecting to turn and reverse up the drive 20m? How would they know they need to do this?
- d. If not, then is it the responsibility of the caller to inform the switchboard of this? If so, then what if someone from outside of the site raises the alarm and has no idea of this ridiculous requirement?
- e. If the fire appliance arrives on site and does the required manoeuvres but then an ambulance arrives on site, how exactly are the paramedics supposed to get their vehicle passed the fire appliance to potentially save a life?
- f. Alternatively, if an ambulance is already on site and the fire appliance subsequently arrives, how does the ambulance leave to get a patient to hospital?
- g. Also, if the parked vehicles at the property need to be moved for safety reasons, how do they get out when the fire appliance is parked on the drive?

I object to the fire strategy proposal because I do not believe the design provides adequate space for emergency vehicles to access, operate and leave the site in a safe manner and the proposal has been made because the site is not suitable for development and should be found to be unacceptable.

4. Location of the development

The application claims the development will 'sit comfortably in its environment' and as with the original development application there are claims to other nearby developments that show the same type of development. I do not believe any of the examples given had the same impact on surrounding properties because whilst they sit behind an existing property, none of them have properties on all four sides of the boundary and therefore located in the middle of gardens. The applicant may not use his garden to its full extent but the owners of the surrounding properties certainly do - so much so that No 29 Lyme Avenue has purchased some of the land from 1A Birch Road that had previously been part of the original development application but was sold after the appeal was dismissed.

I object to the location of the development because it is in the middle of

	<p>well-used residential gardens and the construction of a large 4-bedroom property with space for 3 cars is not appropriate. Nor does the development enhance an underutilised or abandoned piece of land.</p> <p>5. Inconsistencies</p> <p>There are inconsistencies throughout the documentation submitted. The pedestrian safe zone varies from 600mm to 700mm wide; the drive is referred to in places as 3.7m and in other places 3.1m wide. This attention to detail makes me question the accuracy of the important dimensions and these should be confirmed by the Applicant with more detailed drawings. Lack of detailed dimensioned drawings to support the original application was highlighted by the Appeal Inspector.</p>
<p>5 Lyme Avenue Northchurch Berkhamsted Hertfordshire HP4 3SG</p>	<p>Having a previous planning appeal decision dismissed and finding that a development on this site would not provide safe and suitable access, I cannot see that this current application has changed at all from the previous applications in regard to road safety, it will increase an already very fast and busy road with even more traffic coming onto the the main road. There are new houses being built at 3 Tring Road which will also increase the amount of cars joining the road which were not there before ,there are small children leaving the nursery , the junction at Dudswell, Lyme Avenue and Birch Road, all potentially making the road an accident waiting to happen</p> <p>My granddaughter walks to and from school and its a worry every day for her crossing the road at the moment without extra cars adding to the problem.</p> <p>The idea that a development should be allowed right in the middle of other neighbours areas is not right and should not be allowed.</p> <p>It was no surprise to us residents that the previous application was turned down by councillors who voted 11/0 against the proposal, I cannot see that anything has changed with this application, the previous issues remain the same and we the residents should not have to submit to this proposal.</p>
<p>29 Lyme Avenue Northchurch Berkhamsted Hertfordshire HP4 3SG</p>	<p>We are family with a property which borders the proposed plot and have serious concerns over the suitability of the scheme.</p> <p>It is not shown in the application material, but our property directly borders the plot to its left along some 20m.</p> <p>Not only will the close proximity to our property affect our amenities, but we believe it will have a negative effect on the road safety in the immediate area.</p> <p>Road Safety</p> <p>The safety of this stretch of road has been (officially) in question for some time, but the particular point at the current access for 5 Tring Road is also now under scrutiny.</p> <p>Just last week I attended a committee meeting for Northchurch Road Safety and there were multiple committee members who pin pointed this exact spot- at the junction of Dudswell Lane and Tring Road, as an area for review. Unfortunately any progress made by this new</p>

committee will take time - something we don't have with this current application in process.

I'm sure everyone reading this will be aware of the complexities of this spot. It was a concern of the Dacorum planning committee who refused the previous application (for this site) and it was highlighted by the Planning Inspector Gemma Jenkinson in her subsequent appeal dismissal.

It is the opinion of many local residents that this junction is so complex and overloaded already that the extra traffic and manoeuvres from just one more property is still too much. We recently saw use of the old telephone repeater station granted, also a new property has been added at 3 Tring road, so we will have the new traffic to and from two large semis where previously there was a bungalow which had seen no traffic for years.

There needs to be a point at which we say enough is enough, and I believe that point has passed. I'm hoping there comes a time when the council decide it would be better to look in to ways of improving the safety of this area - for road users and pedestrians alike, rather than adding to the problem by granting extra developments.

It is evident that the Highways department has again showed little concern over the area, and again they appear not to have made a site visit. It is extremely frustrating that the safety of our roads seems to be decided remotely.

Suitability of the Access Road

I believe the access road to the new property is still unsuitable even if it would only serve two properties.

It is extremely long, and there have been no examples provided of a set up of this nature in the area. Yes there are examples of dwellings with a similar access, but this is in the extreme for a non remote area.

Despite the changes made since the previous application I believe it is still an extremely impractical and problematic set up.

I second the comments made by no. 3 Lyme Avenue regarding difficulties which will arise when an emergency vehicle needs to access/exit. In a instance where easy vehicle movements are vital it could easily go very wrong.

The adjustments to the driveway at the terminal with Tring road have not solved the access problems as we are lead to believe in the documents.

The bell mouth appears to have been narrowed from some 11 m to 5.685 and just 2.4m further back it reduces to 4.8m (the width of just 2 standard parking spaces).

The absence of the swept path diagrams of the entrance that Highways have cited as a requirement are particularly telling as I'm confident they would illustrate that two way access at the bell mouth would be physically impossible with a vehicle turning in and one coming out

Garden lengths/Area (accuracy of information)

In the dismissal of the last application the Planning Inspector highlighted the fact that 'to harmonise with adjoining properties the rear garden depths would need to be considerably over 11.5m' (minimum for the area)

The scheme can only manage an depth of 14m for the new property (it

does in one section go on to say in excess of 15m, but this does not tally with the plans) and subsequently would reduce the depth at no.5 to just 13.2m

The application goes on to mask the problem of the insufficient rear garden lengths by measuring garden area instead. It is clear the two are not comparable.

The semi-detached properties are of course going to have much narrower gardens, but the application uses this and other tools to paint an unrealistic picture.

In Appendix C the application sets out its apparent garden area information.

On looking at the Block Plan compared to appendix C it appears there are some discrepancies.

They have calculated the area of the garden for the proposed property using the rear garden plus land to the sides of the house.

BUT it seems they haven't done this for the other properties with side gardens

for example 27 Lyme Avenue which has substantial garden to the side is recorded as 464m² when it should be more like 517m².

2,2a, and 1a Birch Road are also played down in this way.

29 Lyme Avenue which also borders the plot since purchasing land from 1a Birch Road is omitted completely and has a very large garden and side garden.

It is difficult to see how or why we should be seeing inaccuracies in the information in this new application. The discrepancies in the last application were brought up numerous times and are even acknowledged within this scheme's documents.

All the small inaccuracies or slight changes in representation can culminate in to a somewhat misleading picture.

Rear Garden Depths

Rear garden depth is the bigger factor when considering the character, layout and spacing of a group of houses and consequently is given more emphasis and has clear planning requirements.

I have re-written the information in Appendix C using the 'Block Plan' with rear garden depth instead - the information reads quite differently.

Property Garden Depth difference to proposed

Proposed property 14m N/A

Proposed 5 Tring rd 13.2m -7 %

3 Tring Rd 17m +21%

7 Tring Rd 17.5m +25 %

1 Lyme Ave 20m +43%

3 Lyme Ave 22.5m +61%

5 Lyme Ave 22.5m +61%

7 Lyme Ave 23m +64%

27 Lyme Ave 22m +57%

29 Lyme Ave 45m +221%

1a Birch Rd 37m +164

	<p>2a Birch Rd 15m +7% 2 Birch Rd 20m +43%</p> <p>This more relevant information clearly shows that the gardens of the proposed development and the resulting garden of 5 Tring road would not be in keeping with the character of the area.</p> <p>Tandem Development The issue of Tandem Development being 'problematic', 'unsatisfactory' and 'inefficient' is one that will not go away. The application gives examples of tandem development within the local area. It is true that this can be found all over, but finding an example as unsuitable as this would be hard.</p> <p>None of the examples in the application have an access drive with such limited space and unsuitable entrance. The three properties on Dudswell Lane have short access drives, are opening on to a quiet lane and form part of an building line existing, as does the Shooters Way Lane example. The Wayside/Verona example is on the edge of farmland, borders fewer properties and has a comparably short and spacious access.</p> <p>The example at 4a Birch road borders 5 properties, not 9 as the proposed would, but I can say first hand that it is a problematic development. It has been crammed in too close to the boundary and created a new building line, all of the rear first floor windows over look our downstairs, including the master bedroom. I have no idea why this was permitted.</p> <p>In her report, the Planning Inspector quotes the SPG saying 'prevalent buildings lines should be followed with dwellings fronting the highway'.</p> <p>The proposal would be off the building line and be right in the middle of the back gardens of nine properties.</p>
<p>3A Birch Road Northchurch Berkhamsted Hertfordshire HP4 3SQ</p>	<p>19/03272/FUL Construction of new chalet bungalow to the side/rear of 5 Tring Road. Land To The Side/rear 5 Tring Road Dudswell Berkhamsted Hertfordshire HP4 3SF</p> <p>My objections are as follows:</p> <p>It does not have a low visual impact, it is a large house with a high ridge line. (6.9m high). Referring to the ridge heights as mentioned by nett assets, the less intrusive development would have been a bungalow on one level not a 4 bedroom large property bang in the middle of gardens and not on a building line</p> <p>The proposal does harm to neighbouring properties on grounds of visual amenity.</p>

	<p>What is to stop the apparent substantial boundary hedge being reduced in size after build?</p> <p>Vehicles are required to enter Tring Road in a forward gear, this will not occur at the distributor station when that build is completed.</p> <p>Backland / Tandem Development: 6 examples are mentioned, (None of them are relevant, (Limber, Dudswell Rise and Winnow Cottage, Dudswell Lane, Wayside/ Verona, Tring Road and Byways, Shootersway Lane) they are built on existing building lines not in the middle of gardens. Item 19 of the dismissed appeal states tandem development is generally inefficient, problematic and unsatisfactory. It is my opinion this current large house is no different to before.</p> <p>Windfall development (NPPF definition: "which has not been specifically identified in the local plan. They normally comprise previously developed sites that have unexpectedly become available). These are normally industrial sites, this application has not unexpectedly become available nor was it previously developed</p> <p>Bins; length of delivery The development is not acceptable or welcomed</p> <p>Regarding the "redundant garden of 5 Tring Road" being inefficient, it has not been noted that the occupants of, 29 Lyme Avenue have purchased land from 1a Birch Road to substantially extend their garden. How can a garden be inefficient, this is only due to the circumstances of 5 Tring Road having changed?</p> <p>If the build was to take place, can anybody explain how construction vehicles would access the property, find parking space and not cause traffic problems on Tring Road.</p> <p>Attached photos of this junction, one is of the construction vehicles associated with the build of new properties on 3 Tring Road and the others are of morning traffic on the junction as mentioned in the appeal decision</p>
<p>1 Tring Road Dudswell Berkhamsted Hertfordshire HP4 3SF</p>	<p>Having a previous Planning Inspectorate Appeal Decision dismissed and finding that a development on this site " would not provide safe and suitable access for all" and "would have an unacceptable effect on the character and appearance of the area", this current application is not able to demonstrate significant changes to either of these decisions. On the road safety issue, the figures supplied are a little disingenuous. The figures previously supplied are correct in that 75% of traffic at this point is breaking the speed limit from 30-50 mph. 170 vehicles are travelling in excess of 50mph. However, it is not averages that matter specifically, it only takes one of the 61,000 vehicles in a week, to cause an accident and this is a dangerous junction. To correct the submitted details, there was an accident at exactly this spot on 07/06/16, not a fatality fortunately, but bad enough to close the road for several hours. I note also that yet again no physical inspection has been carried out by Highways. To add to the problem at exactly this point, the new houses</p>

at number 3 Tring Road will probably provide an additional 12 vehicle movements per day where there were none before. Also uncounted at the same spot will be a vehicle from the Repeater Station, probably reversing into the road. Also the 40 odd vehicle movements from the Kindergarten seem to have been ignored and these are cars carrying very small children.

It should also be noted that the Inspector found that the previous application "would not provide safe and suitable access for all". She also wrote that "in this case I remain of this view whether or not it would satisfy the criteria for a 'shared private drive' as set out in Highway Design Guide 3rd Edition 2011"

With regard to the comparable tandem development examples provided, there really is no comparison between this proposal and those submitted. The spaces used were enormous and houses built along building lines, not squeezed into the middle of existing garden areas to the detriment of the surrounding householders.

The proposal admits that any occupant of the "bungalow" would have to travel 50 metres downhill with their bins to get to within the statutory 25 metres from the road. I wouldn't want to be doing that on an icy road!

The proposed access road is also highly suspect with regard to PSVs particularly fire engines as pointed out by Valerie Spiers at Highways who has requested further information about quite how firefighters could do their jobs.

Finally the overall idea that a development be allowed right in the middle of other people's garden areas just cannot be right when so many people object to it. Indeed the proposal has not taken account at all of the purchase of the land that the proposer was originally going to use for his previous, refused, application. Nothing in this new application deals with the Inspector's finding that it " would have an unacceptable effect on the character and appearance of the area". And this decision was based upon the Inspector's personal visit to the site. The Inspector's comments that the previous proposal would not "respect the typical density of an area" or " respect adjoining properties" as laid out in CS11 and CS12 of the CS, is not at all changed in this new proposal.

It was no surprise to us residents that in the previous application the Councillors voted 11 / 0 against the proposal when it was called in, with many and various comments being made about the unsuitability of the proposal. As far as I am concerned, nothing much has changed from that position. It just cannot be right that so many residents enjoying peaceful gardens and wildlife should have to submit to such a proposal as this. What price Democracy?

ADDITIONAL COMMENTS:

I write in connection with the above planning application.

As I am sure you know, the Planning Inspectorate recently refused a

	<p>previous application for this site, partly due to the problems with the road junction at this point. You may or not know that when the original application was called in, several Councillors were very critical of the efficiency and effectiveness of the Highways Agency, not just for that application, but several others that had been brought before them. I think "armchair Googling" was mentioned.</p> <p>On that occasion the HA had no record at all of an accident at exactly this spot on 7th June 2016 which resulted in cyclist injury, closure of the road and traffic, including buses, having to reverse up my drive! The paint marks are still there.</p> <p>This is a dangerous junction of 7 roads and driveways all joining or on the busy highway at the same point. The 30mph speed limit is broken by 75% of drivers, with speeds of up to 79 mph!</p> <p>A few days ago there was yet another accident involving an ambulance and a Range Rover trying to join the road from Dudswell Lane. I attach photographs. The front of the Range Rover was ripped off and thankfully nobody was badly injured. You are probably able to check the incident report via the Ambulance Service records.</p> <p>This site is dangerous. As well as the existing speeding traffic, we will now have more traffic emerging at this point from the development of two, four bedroom houses at number 3 Tring Road, where there was no previous vehicle activity, probably amounting to circa 20 vehicle movements per day, plus the new development of the Repeater Station where reversing into the road will presumably become the norm. And all this before the addition of more emerging traffic at number 5, again perhaps a further 12 vehicle movements per day by current statistics.</p> <p>My sentiments concerning this junction are well documented in the details of the previous application, 4/03324/17/FUL. Being first on the scene of an RTA is never a pleasant experience.</p> <p>So please take these facts into consideration when making your decision and I think it would be very useful if you were to make a quick site inspection to understand this relatively unusual junction.</p>
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APPENDIX C: COMMENTS ON PUBLISHED REPORT (COVID-19 – CONSULTATION)

CONSULTEE RESPONSES

Name/Address	Comments
Councillor Beauchamp	<p>The decision to move from 4 units to 1 should not now have any significant impact on traffic issues.</p> <p>Agree with the Officer's Decision to Approve.</p>

Councillor Woolner	I understand that this application is now deferred until May.
Councillor Pringle	<p>1. The applicant has previously proposed a development of 2x2 semi-detached properties on the same site. This was unanimously rejected by the DMC in May 2018.</p> <p>2. This decision was upheld on appeal to the Planning Inspectorate in a report dated 26 March 2019 (Annex A). The proposal has now been altered from 4 dwellings (2x2 semi-detached houses) to a single 4 bedroom family property with the same access provisions (sharing the driveway with 5 Tring Road).</p> <p>Background</p> <p>3. The Planning Inspector's grounds for upholding the rejection of the previous proposal were safe and suitable access for all and the effect of the development on the character and appearance of the surrounding area.</p> <p>4. As ward councillor, with the interests of all of my residents in mind, I continue to oppose this development on the grounds of local concern about the impact of this development on highway safety and that the amended plans do not demonstrably provide safe and suitable access for all.</p> <p>5. I represent not just the interests of those residents whose properties are directly affected, but also residents who use the kindergarten and cricket club facilities directly opposite the site, accessing these both by car and as pedestrians; the children and elderly residents using the bus stops opposite and adjacent to the site where there are minimal footways at a dangerous stretch of road including a bus lay-by; and the many pedestrians who regularly cross the road at this point to access the nature reserve to walk their dogs, the entrance to which is opposite this site beside the cricket club.</p> <p>Objections</p> <p>6. This revised proposed development does not provide safe and suitable access for all</p>

and continues to have a detrimental impact on highway safety.

7. This junction is complex and a notorious area of concern. This was recognised when the matter was previously before the DMC and has been recognised by the Planning Inspector.

No site visit appears to have been made by either Herts Highways or the Planning officer. No Road Safety Audit has been completed

8. I am particularly concerned about the following:

- Planning Inspector Gemma Jenkinson's appeal findings were informed by a site visit was made on 4 December 2018.
- The planning inspector has made a finding that a Road Safety Audit would be required before planning permission could be granted.
- The members of the DMC who made the previous decision had extensive local knowledge of this notorious stretch of road and were concerned, amongst other things, about the impact of a development with such a long shared driveway on highway safety.

9. In paragraphs 12 and 13 of her report of 26 March 2019, Planning Inspector Gemma Jenkinson states:

'12. Highway safety records demonstrate that there is a relatively low level of accidents locally and I acknowledge that the Highway Authority raise no objections. Balanced against this is the local concern related to highway safety over some time evidenced in the Go20 campaign. Paragraph 2.16 of the TN indicates a Road Safety Audit would be required to ensure the access arrangements would be satisfactory. However, it seems to me that, taking into account the precautionary principle, this should be demonstrated before planning permission could be granted and should not be dealt with by condition.

13. For the reasons set out above, I conclude that the proposal would not provide safe and suitable access for all, I therefore find conflict with Policy CS12 of the Dacorum Core Strategy 2015, The CS)

which requires safe and satisfactory access for all, even though it is not cited in the reason for refusal, and which complies with Paragraph 108(b) of the National Planning Policy Framework 2018 (the Framework) in this respect. In the absence of satisfactory evidence to the contrary, and taking into account the precautionary principle, I am unable to conclude that the proposal would not have an unacceptable effect on highway safety and in this respect, I also find conflict with Paragraph 109 of the Framework.'

10. Conversely, there is no evidence that the planning officer has ever made a site visit or consulted with anyone who has done so.

11. There is no evidence that the comments from Highways are informed by:

- Visits to this site
- the comments of the previous PIN report
- the historic concerns of the local community as referenced in the PIN report.

12. I would urge members of the DMC to try to familiarise themselves with this junction before reaching a conclusion on road safety if they are not already familiar with it. Prior to lockdown I can confirm that this junction is normally extremely busy during peak hours due to the weight of traffic, bus stops, kindergarten customers using access at the junction with Tring Road and Dudswell Lane opposite this property and complex nature of the junction with its many driveways leading on to it. I and have longstanding concerns about the lack of pavement space for school children and elderly people crossing to use the bus stops.

13. In the absence of material changes relating to suitable access for all and road safety, the findings of the Planning Inspector still stand, namely that this proposal does not provide safe and suitable access for all and that there is an unacceptable effect on highway safety.

The amendments to the proposal do not materially allay concerns regarding the impact of the proposed development on safe and suitable access for all; there remains an unacceptable effect on highway safety concerns about road safety

Risk of vehicles reversing onto the main road and risk to pedestrians using the shared driveway

14. Although the number of movements from an additional single large dwelling would be expected to be less than from 4 small dwellings, it is not the number of movements itself that presents the danger, but the nature of them. Despite the proposed widening of the driveway to include a pedestrian refuge, the shared driveway arrangement continues to present the same concerns upon which the Planning Inspector based her findings relating to safe access and highway safety. This is particularly so as the Planning Officer has not made a site visit to establish how realistic and accurate the proposed widening may be (it should be noted that the Planning Inspector had concerns over the accuracy/provision of measurements in the previous application). It is not clear what measures would be in place to prevent large utility vehicles reversing along the incline into the pedestrian refuge and endangering children who may be using it.

15. In the context of the complicated junction, the risk from vehicles reversing onto the highway is significant. In particular, as the residents have established in their own investigations, the calculations of car width that the applicant relies on are based on a small vehicle. It is to be expected that a 4 bedroom property in this area would have a large family vehicle, significantly wider than the example used by the applicant. The applicant has not established that two such vehicles would be able to pass without one reversing. Also supermarket delivery vehicles and the ever more frequent daily deliveries by utility vehicles attending two properties would mean there would be a risk of vehicles significantly wider than cars needing to pass on the driveway. This would present materially the same significant and unacceptable risk to pedestrians accessing the property as well as highway users as the Planning Inspector found in her report, based on her site visit.

Access for refuge trucks and unsatisfactory arrangements for refuse

collection - the planning officer has based her findings on inaccurate measurements - there is a risk of refuse vehicles reversing into this junction in the future presenting a significant risk to highway users or in the alternative, the proposed refuse arrangements are unacceptable.

16. There are unsatisfactory arrangements for waste management; there is no report from refuse collection services. The comments submitted to the Planning Inspectorate for the purposes of the appeal of former Councillor Tom Ritchie for West Berkhamsted, who was very familiar with this junction, are relevant here as he called for comments from DBC refuse.

17. In my representations to the PIN regarding the applicant's previous appeal I included the following quote from Cllr Ritchie:

"Councillor Ritchie additionally sent these comments to Mr Stickley the planning officer by email in September:

Martin

As we were asked to do on the evening, the reasons for refusal are correctly stated. In my mind, the main ones are the increased traffic on an existing multi-access to a main road, with the additional comment that, although there is a speed limit, that is frequently exceeded, as it comes from a 50mph zone and appears still to be rural.

Secondly, the access lane, with no passing or turning places would be a hazard for internet shopping, is a National reality.

I cannot recall if you have comments from the DBC refuse unit but they should be concerned about manoeuvring to reverse from this road and junction.

Regards

Tom Ritchie "

18. In the applicants own Design and Access Report, dated 2 January 2020, the applicant provides the distance from the bin store to the refuse collection point (some 25

metres up the 70 metre driveway) to be 55 metres. Whereas the planning officer has based her recommendations on a significantly lower and erroneous measurement of 30 metres. Bearing in mind the overall length of the drive is 70 metres, the planning officer's measurement is clearly wrong and any conclusions deriving from it should be disregarded. This driveway is on quite a steep incline; there are 2 wheelie bins (larger ones from a 4 bed property) plus a food storage caddy to be transported both up and down the path each week. This is 12x55 metre journeys each week. This amounts to a distance of 660 metres each week pulling heavy wheelie bins/carrying a caddy up and down a hill. I question if this would be sustainable for a disabled or elderly resident in difficult weather. There is a real prospect that such a resident would in future negotiate that the refuse truck would come up the driveway, which would entail a refuse vehicle reversing close to the front door of 5 Tring Road in order to leave in a forward gear. It is questionable whether future residents of 5 Tring Road would be willing to accept this, given the damage such regular manoeuvres would cause to their driveway, the general nuisance of this and the risk to the safety any children living there of a refuse vehicle reversing in close proximity to their front door.

19. Unless a satisfactory arrangement for refuse collection can be demonstrated, the risk remains of future refuse vehicles reversing onto the highway, or there being permanently unsatisfactory arrangements for refuse collection.

Access for emergency vehicles

20. The residents have raised concern about the access for emergency vehicles. It would seem that only one emergency vehicle would be able to get within close proximity of the property and a second emergency vehicle would impede the exit of any ambulance that needed to leave the property with a casualty. The risk that future residents of 5 Tring Road, who would not be aware of the arrangements for emergency access as proposed by the applicant, would

park their vehicles in the proposed turning point for emergency vehicles is significant. There is a real risk that emergency vehicles would reverse onto the highway endangering highway users and/or would impede the access of additional emergency services attending the property. Multiple occupants would mean that in the event of a fire multiple ambulances may need to attend. This would present a risk to life of future occupants of the proposed family property from lack of access of emergency vehicles. There would also be a risk to highway users from such vehicles reversing onto the highway.

21. In addition, the research conducted by the residents establishes that the fire appliances that would be likely to attend the proposed property are wider than those used in the applicant's diagrams. It has not therefore been demonstrated by the applicant that that acceptable access for emergency vehicles had been adequately established.

Historical concerns over road safety in this location

22. The historical concern across the Northchurch community about road safety in Northchurch is evidenced by the motion of Hertfordshire County Council in the highlighted parts of the attached minutes. (HCC minutes March 2018 - Annex B). The area of the Tring Road between Pea Lane and Billet lane is cited in the motion passed by HCC requiring road safety in this stretch to be investigated. This is evidence of the historic concerns of the local community about this stretch of road. Planning Inspector Gemma Jenkinson referred to these concerns in her findings. They have not been referred to by either the Highways officer or the Planning officer in the current application.

Changes in Circumstances since the last application

23. Since the previous application, there have been changes of circumstances at this location, namely

1. The telephone repeater station directly

opposite the proposed shared driveway has is being renovated for use as a residential dwelling. Despite concerns raised by Highways, that this would entail vehicles having to negotiate the access to this property using a reverse gear across the oblique junction of Dudswell Lane and Tring Road, the plans were passed. Although the property is as yet unoccupied, this presents further and as yet unaccounted risk to highway users at an already busy and complex junction.

2. The neighbouring property at no 3 Tring Road is currently being rebuilt. The former modest bungalow which had been unoccupied for some time, is now being replaced by a pair of spacious semi-detached family properties. The access to this is a shared driveway parallel to and in close proximity to the shared driveway of the proposed property. This will present increased traffic movements at this location.

Local Knowledge

24. As the ward councillor, this site is a ten minute walk from my home. I am extremely familiar with it as I drive past it on most normal weekdays and am also a regular pedestrian in the area as I use the field opposite to exercise my dog. I have been a customer of the Kindergarten situated in the cricket ground directly opposite the site and am aware of the complex and challenging nature of this junction. I hear regular reports from the local community through Go20 (group and the Road Safety Working group on the Northchurch Parish Council. The Parish Council has recently raised concerns about road safety in Northchurch with the local police. These are based on reports from local residents, some of which refer to concerns at the Tring Road Dudswell Lane junction (the location of this proposed development). I can confirm that this is a dangerous stretch of road, with a bending and undulating approach from both directions, limited footpath and a bus lay-by in which stationary buses often obstructs sight-lines.

25. I would recommend that members view this junction and take into consideration that this shared driveway is at the end of a bus

	<p>lay-by and also the limited area of safe pavement that can be used to access the bus stop opposite the property. A number of school children use this and my own personal experience is that they take risks in crossing, often in poor light at busy times. There is often traffic backing up the main road, which has two solid white lines, waiting to turn into the kindergarten. Dog walkers often cross here. These children and other road users are my primary concern with regard to this dangerous junction.</p>
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NEIGHBOUR RESPONSES

Name/Address	Comments
<p>1 Tring Road Northchurch HP4 3SF</p>	<p>Further to my objections to this application, which you have on file dated 27th January, I should like to add a few further points relating to the revised application details and the report by your Case Officer Heather Edey.</p> <p>In addition to our wholehearted support for the letter sent to you by 3 Lyme Avenue, there are a few more points, not contained within that letter, that you should be made aware of.</p> <p>1. As it would appear that the plans that have been used are out of date, you may not be aware that No.3, Tring Road is not now a derelict bungalow, with no traffic movements, but is instead occupied by 2 x four-bedroom semi-detached houses. Using current traffic data, it is likely that this will add at least a further 16 vehicle movements per day at this already dangerous junction and adjacent to the entry of No 5 Tring Road.</p> <p>Also the Repeater Station development, also right on this junction, will shortly be occupied and will add even more vehicle movements for the first time.</p> <p>2) This junction was the scene of yet another accident on the 14th February when a vehicle emerging from Dudswell Lane was sideswiped by an Ambulance on call. Mercifully nobody was seriously injured, but had the accident happened two seconds</p>

	<p>later it would have been a different outcome. We have photographs of the incident should you wish to see them.</p> <p>3) In relation to the submitted plans showing vehicle dimensions, please consider this. The vehicle shown is 1.68m wide, a tiny car. A Range Rover or a BMW X5, likely vehicles for owners of this 4 bedroom development, are 2.22m or 7'4" wide, a full 0.54m wider. No two vehicles can pass on a 3.00m or 3.70m driveway without one driver reversing, possibly unsafely onto the highway at this accident prone junction.</p> <p>4) It seems to us that the revised application does not materially divergent any way from the Planning Inspectorate's original decision to refuse this development, and this on many counts, particularly on CS12 and Para 109 of the National Planning Policy Framework, as quoted by the Planning Inspectorate themselves.</p> <p>Finally, as there is obvious confusion about the identity of the property to which the Case Officer refers in her para 9.5, and it looks as if old documentation has been used, this would surely warrant a fresh look at the application.</p>
<p>29 Lyme Avenue, Northchurch Berkhamsted Hertfordshire HP4 3SG</p>	<p>My property (29 Lyme Avenue) borders the application site to its left for approximately 20 m. This is not shown on any of the plans - the PL02 block plan is inaccurate.</p> <p>I have already submitted an objection which I urge you to read in full at this time. My objection includes points which illustrate the unsuitability of the scheme that have not been covered by the Planning Officer, despite the claim that householder comments have been addressed.</p> <p>The Planning Inspector Gemma Jenkinson previously concluded in her appeal refusal last time around that small scale developments attract limited weight and therefore I believe changing the spacious character of the area and adversely affecting the amenity of the neighbours would be too a large price to pay. The long, narrow driveway is too problematic to be worth it, and the effects on the road safety far out way the benefits of</p>

	<p>this development.</p> <p>Not wanting to repeat my concerns unnecessarily and add to the workload of those concerned, I would like to refer you to no. 3 Lyme Avenues' latest admission and state that my family and I fully endorse the information provided in both that document and my own initial objection letter.</p>
<p>Letter received from:</p> <p>3 Lyme Avenue, Northchurch Berkhamsted Hertfordshire HP4 3SG</p> <p>3a Birch Road, Northchurch Berkhamsted Hertfordshire HP4 3SQ</p> <p>1 Tring Road, Northchurch HP4 3SF</p> <p>29 Lyme Avenue, Northchurch Berkhamsted Hertfordshire HP4 3SG</p> <p>5 Lyme Avenue, Northchurch Berkhamsted Hertfordshire HP4 3SG</p> <p>1 Lyme Avenue, Northchurch Berkhamsted Hertfordshire HP4 3SG</p>	<p>This letter has been written collaboratively by the undersigned residents of Lyme Avenue, Tring Road and Birch Road ('the Residents' herein) who have previously objected to the proposed development to the side and rear of 5 Tring Road.</p> <p>The Residents have read the report produced by the Case Officer, Heather Edey, and find the arguments for recommending planning is granted are not sound and the reasons the Planning Inspector, Gemma Jenkinson, cited for dismissing the appeal for the original development proposed at this site have not been overcome and therefore planning permission should not be granted. Below we provide the detail to demonstrate why the Planning Inspector's concerns have not been resolved:</p> <p>1. In paragraph 9.28 of the Case Officer's report, she refers to the Planning Inspector dismissing the appeal because the plans failed to show there would be safe and satisfactory access on to the highway and lists the 3 particular issues identified by the Planning Inspector. The Case Officer concludes, in paragraph 9.32, that all 3 concerns have been addressed but we disagree as follows:</p> <p>a. Width of the existing access: The applicant has submitted drawing no. 2223-002 which shows 2 cars at the bellmouth being able to pass each other. However, it should be noted that the width of the cars on the drawing is 1.686m. A quick search on the internet identifies this vehicle would be a 'small/compact' car. Based on the size of the proposed chalet bungalow, with 4 bedrooms, it can be assumed that the residents would own either a family vehicle or even an executive</p>

vehicle. These are 1.871m and 1.910m wide respectively. Also, considering the applicant would also be using the bellmouth and drives vehicles larger than 'small/compact', this drawing is misleading and the bellmouth remains unsuitable and the applicant has not overcome the Planning Inspector's concerns.

Also, drawing no. 2223-002 depicts two vehicles at the bellmouth with one coming into the drive from Berkhamsted direction. They have not provided a drawing showing a car turning in coming from the Tring direction and if they did, using more realistic car dimension, they would not be able to demonstrate the bellmouth is providing safe and suitable access for all, as required by the Planning Inspector.

b. Sufficient manoeuvrability space for emergency vehicles

The applicant has submitted drawing no. 2223-001 to show how an emergency vehicle would manoeuvre on site. The Case Officer mentions a number of times in the report that emergency vehicles can enter and leave the site in forward gear as is this the only important fact. However, what she doesn't mention is that for a fire appliance to leave the site in forward gear, on arrival on site it will have to pull in to the new turning head in front of 5 Tring Road and then reverse up to the proposed bungalow. In paragraph 9.41, the Case Officer says the neighbours' objections have been 'considered and discussed in more detail during earlier sections of the report.' However we challenge this statement because very pointed questions regarding the fire strategy were submitted to the Case Officer and there is no reference to these in the report, addressing the serious concerns. For clarity and ease of reference, the questions asked for the Case Officer to consider when assessing the proposal are:

- i. Will every response vehicle know they are expected to turn and reverse up the proposed property? How would they be informed to do this? What will prevent a fire appliance driving straight up to the proposed property?
- ii. If there is a fire, is the time lost in turning

and reversing acceptable?

The width restrictions of the turning head and drive mean it is unlikely the appliance will make the turn and reverse in one manoeuvre and will have to make a number of smaller manoeuvres to achieve the change in direction, which will not be quick.

iii. If an ambulance is called and the fire appliance is parked as indicated on the drawing, how will the paramedics get to the property? If the ambulance should arrive before the fire appliance and need to leave urgently, it will be blocked in by the fire appliance.

iv. If the parked vehicles belonging to the proposed property have to be moved for safety reasons, how do they get out when the fire appliance is on site?

Another issue on drawing no. 2223-001 is the width of the fire appliance used to demonstrate the manoeuvrability on site. The applicant has used a DB32 fire appliance which is 2.18m wide. We have spoken to the local fire officers and we have learned that an emergency call will first go to Hemel Hempstead where they have Scania appliances which are 2.60m wide. If Hemel Hempstead can't respond the call will be redirected to Berkhamsted where they have a MAN fire appliance which is 2.55m wide. Both these appliances are significantly wider than that used on the drawing which means this drawing is misleading in its representation of what is possible on this restricted site.

c. Concerns relating to pedestrian safety
On drawing PL-02, the applicant has identified '3.7m wide private driveway incorporating 0.7m de-marked safe pedestrian pathway'. The Planning Inspector questioned the validity of the 3.7m dimension given the lack of dimensions on the drawings submitted with that application, and the hedges on either side of the drive. This detail remains the same with this new application and yet they have managed to incorporate a pedestrian pathway. Drawing a line to show a pathway does not alleviate the Planning Inspector's decision that this driveway will not provide safe and suitable pedestrian access.

The Planning Inspector also concluded that the length of the driveway would not provide safe and suitable access for all and this new proposal does not eliminate this determination.

2. The Case Officer does not address the second major concern the Planning Inspector had with the original proposed development of 2 pairs of semi-detached properties, and we believe this is because this latest application does not resolve it.

The Planning Inspector concluded the original proposed development would not provide safe and suitable access for all based on the complex highway layout at the location of the proposed development:

- the driveway being off Tring Road;
- it's close proximity to the Tring Road/Dudwell Lane junction;
- the oblique access to the residential curtilage of Kings Lodge;
- bus stops on both sides of the road and one immediately opposite the site entrance;
- the access to the Northchurch Sports Ground and pre-school nursery; and
- the former Telephone Repeater Station.

The Planning Inspector also noted that the driveways of the surrounding properties had been omitted from drawings and they too add to the complexity of the highway layout at this location.

Whilst the Planning Inspector acknowledged the Highways Authority had raised no objections, having made a site visit she was unable to conclude that the development would not have an unacceptable effect on highway safety. It should be noted that she accepted 'the likely additional volume of traffic from an additional four dwellings would be small in relation to the flow along Tring Road' so the reduction in the size of the development does not overcome the Planning Inspector's concerns and therefore this new proposal does not resolve the reasons for the Planning Inspector's dismissal of the appeal. Since this proposal cannot overcome the complexities of the highway at this location, the proposal conflicts with Policy CS12 of the Dacorum

Core Strategy
2015 which requires safe and satisfactory
access for all.

When the appeal was dismissed in
March 2019 the Residents assumed no
further development would be proposed
because the restrictions of the shared
drive and boundary of the site, and the
complexity of the road layout at that location
on Tring Road can never be resolved by the
applicant and this proposal demonstrates
that no matter how small the development it
will always remain unsafe and unsuitable for
very serious reasons.

3. Referring to paragraph 9.5 of the Case
officer's report:

'it is noted that the urban grain of the
surrounding area is such that only the
current application site and neighbouring
property could accommodate new
development within the rear garden. As
such, it is not considered that the proposed
development would prevent a more efficient
use of urban land, given that there is a
possibility that any neighbouring
development could utilise the same access
used to facilitate the current proposal.'

We are unsure which 'neighbouring
property' the Case Officer is referring to as
none of the properties bordering the
proposed development site have
development potential. If the Case Officer
relied on Drawing PL-02 to make this
assessment she has been misled because
this drawing is out of date. 1A Birch
Road no longer has the extensive
garden it had when the applicant
submitted his original development
proposal. A large section of this garden
has been sold to 29 Lyme Avenue leaving a
more modest garden for 1A Birch Road.

We would also argue that there is no need to
make 'efficient use of (this) urban land'
because it is in fact a beautiful large garden,
amongst other beautiful, large gardens. As
we said in our original objections to the
proposal to develop this land, it is not
underutilised, or making better use of an
otherwise wasted ground. This
development is proposed in a location that

does not enhance the local area because it is set far back off the main road so no-one will see it, but it will impede on the residents of the 14 properties whose gardens all back on to the boundary of the proposed development.

4. Referring to paragraph 9.8 in the Case Officer's report:

'9.8. Under the previous appeal case, the Planning Inspector noted the low density of neighbouring properties, noting that they are usually situated within *'generous leafy gardens, giving a spacious character to the area.'* It is considered that by amending the proposals to a single new dwelling this has created the sense of spaciousness required in the determination of the previous submission and its appeal.'

Again, this statement suggests the Case Officer didn't visit the site. The previous application was based on the land created by combining the rear gardens of both 5 Tring Road and 1A Birch Road. When the appeal was dismissed, the owner of 1A Birch Road withdrew his land and the applicant was left with just his own garden for development. This has resulted in the proposed bungalow being on a much smaller site and therefore the claim that this has resulted in a 'sense of spaciousness required in the determination of the previous submission and its appeal' is wrong.

5. Referring to paragraph 9.9 in the Case Officer's report where it is argued that the dimensions of the rear garden of the proposed bungalow are 'broadly compatible with those in the surrounding properties.' The Case Officer acknowledges that the garden is shorter than those in surrounding properties (it is substantially shorter) but because it is wide, it is 'compatible'. We refer to drawing PL-02 which is the site plan and clearly shows how small the new garden will be compared to the gardens of the surrounding properties and so again this proposal does not create the sense of spaciousness required in the determination of the previous submission's appeal.

Taking the points raised in items 3, 4 and 5

	<p>above, we conclude that this new proposal still fails to comply with parts of the policies CS11 and CS12 which the Planning Inspector cited in her reasons to dismiss the appeal associated with the original application.</p>
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Item 5c 19/02696/FUL

Demolition of existing bungalow, construction of 8 new semi-detached houses (2 x 2 bedroom, 2 x 3 bedroom and 4 x 4 bedroom), access, turning and parking areas, landscape planting and ancillary development

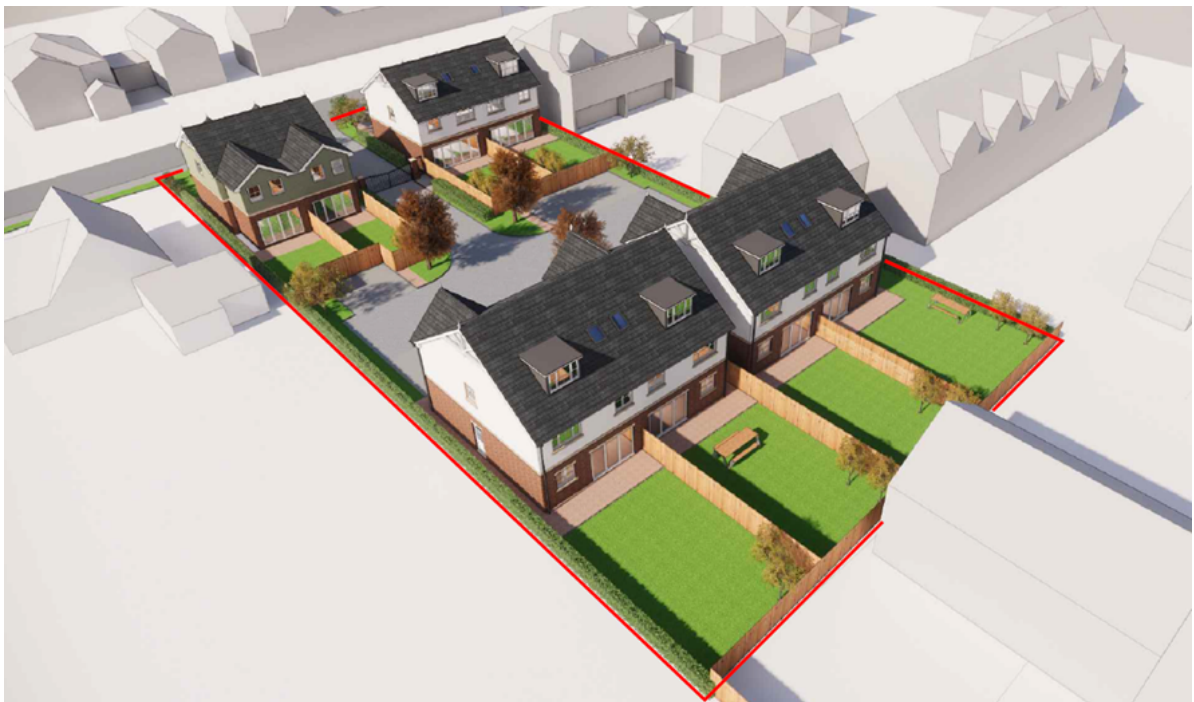
Rosecroft, 49 Chesham Road, Bovingdon



Item 5c 19/02696/FUL

Demolition of existing bungalow, construction of 8 new semi-detached houses (2 x 2 bedroom, 2 x 3 bedroom and 4 x 4 bedroom), access, turning and parking areas, landscape planting and ancillary development

Rosecroft, 49 Chesham Road, Bovington



ITEM NUMBER: 5c

19/02696/FUL	Demolition of existing bungalow, construction of 8 new semi-detached houses (2 x 2 bedroom, 2 x 3 bedroom and 4 x 4 bedroom), access, turning and parking areas, landscape planting and ancillary development.	
Site Address:	Rosecroft 49 Chesham Road Bovington Hemel Hempstead Hertfordshire HP3 0EA	
Applicant/Agent:	Mr Waller	
Case Officer:	Simon Dunn-Lwin	
Parish/Ward:	Bovington Parish Council	Bovington/ Flaunden/ Chipperfield
Referral to Committee:	Recommendation Contrary to Parish Council View	

1. RECOMMENDATION

That planning permission be granted subject to conditions set out at the end of the report.

2. SUMMARY

2.1 The proposal represents the sustainable development of a brownfield site in an accessible location close to the centre of Bovington Village and accords with the NPPF and Policies NP1, CS1 and CS4 of the Core Strategy.

2.2 The scheme proposed is considered acceptable in terms of scale and design in the context of the site and surroundings. It would complement the character and appearance of the site and surroundings without harm to residential amenity in accordance with Policies CS11 and CS12 of the Core Strategy and Saved Policies 10, 18, 21, 99 and 111, and Appendix 3 of the saved Local Plan 2004.

2.3 The proposed access and parking arrangements are considered satisfactory and would not adversely impact on highway safety to accord with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51, 54 and 58 and Appendix 5 of the saved Local Plan 2004.

3. SITE DESCRIPTION

3.1 The site lies on the east side of Chesham Road to the west of the village of Bovington and currently comprises a detached two storey chalet bungalow with a large garden to the rear. The area is residential in character with a variety of housing typologies with forecourt parking along the Chesham Road.

4. PROPOSAL

4.1 Demolition of the existing bungalow and construction of 8 new semi-detached houses (2 x 2 bedroom, 2 x 3 bedroom and 4 x 4 bedroom), access, turning and parking areas, landscape and plating and ancillary development

4.2. The proposed scheme has been amended from the original submission to address design and access concerns. Re-consultation has been undertaken with the local community and statutory consultees.

5. PLANNING HISTORY

Planning Applications (If Any):

4/01555/83 - Single storey side extension and porch
GRANT - 16th January 1984

4/00362/01/FHA - First floor side extension, incorporation of hipped roofs over existing dormers and modification to existing roof
GRA - 25th May 2001

Appeals (If Any): None.

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
CIL Zone: CIL2
Former Land Use (Risk Zone): Garage, Chesham Road, Bovingdon
Former Land Use (Risk Zone): Former Slaughter House, High Street, Bovingdon
Former Land Use (Risk Zone): Infilled Ponds, High Street, Bovingdon
Former Land Use (Risk Zone): Bovingdon Airfield, Chesham Road, Bovingdon
Former Land Use (Risk Zone): Former Research Laboratory, Hawkins Way, Bovingdon
LHR Wind Turbine
Large Village: Bovingdon
NATS Safeguarding Zone: Notifiable Development Height: > 15 Metres High
Parish: Bovingdon CP
RAF Halton and Chenies Zone: Red (10.7m)
Residential Area (Town/Village): Residential Area in Town Village (Bovingdon)
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy
NP1 - Supporting Development
CS1 - Distribution of Development
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm

CS17 – New Housing
CS18 – Mix of Housing
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 13 – Planning Conditions and Planning Obligations
Policy 18 – The size of New Dwellings
Policy 21 – Density of Residential Development
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 111 – Height of Buildings
Appendix 3 – Layout of Residential Development
Appendix 5 – Car Parking Standards

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site comprise an existing dwelling with a large rear garden within the built up area of Bovingdon Village, defined as a large village within the Dacorum Core Strategy, wherein Policies NP1, CS1 and CS4 apply. The Paragraph 118 d) of the NPPF promotes and supports the development of under-utilised land and encourages the efficient use of land. Given the precedent set on the adjoining site for in-depth/tandem development, it is considered that a similar form of development on this large plot of land is acceptable in principle.

9.3 The site is within an established residential area and close to shops and services in the village centre on the High Street approximately 800m or 10 minutes' walk to the north-east. Core Strategy Policy CS4 encourages the provision of new housing in towns and large villages in a hierarchy of settlements. Saved Local Plan Policy 10 also seeks to optimise the use of available land within urban areas.

9.4 Relevant to the application is the appeal decision for 9 houses on adjoining land at nos. 50-53 Chesham Road (BDC application ref: 4/01779/FUL and appeal ref: APP/A1910/W/18/3202687).

That proposal was originally refused by the Council on the basis that it would introduce a second tier of housing behind the Chesham Road frontage, detracting from the character of the area, harm the amenity of nearby residents, and be a cramped form of development. The Planning Inspector disagreed with the Council and allowed the appeal on 1st March 2019.

9.5 The appeal decision carries significant weight in favour of the current application, particularly because the current proposal is next to the appeal site and comprises a similar form, scale and design. Reference is made where relevant to the appeal decision in the assessment below.

Quality of Design / Impact on Visual Amenity

9.6 High quality design is required in the context of the site and surroundings to comply with Policies CS11, CS12 and CS13 of the Core Strategy, Policies 18, 21, 111 and Saved Appendices 3 and 5 of the Dacorum Borough Local Plan. The density of the proposal is 44 dwellings per hectare (dph) and within the range of 30-50 dph set out in Policy 10 of the saved Local Plan.

9.7 The proposed development follows pre-application discussions with the Council in 2019. It comprises the construction of two rows of two-storey semi-detached dwellings. The front row on Chesham Road, comprising Plots 1 and 2 (Type A 3 beds) and Plots 3 and 4 (Type B 2 beds) with rear gardens which replaces the existing dwelling with forecourt parking for 6 cars. The frontage blocks (Plots 1 to 4) are separated by a central access road leading to Plots 5 to 8 (Type C 4 beds) to the rear with rear gardens and a parking forecourt for 14 cars. Blocks A and B to the front align with the existing building line on the main road.

9.8 The separation distance of the front and rear blocks within the scheme is at approximately 25m, exceeding the minimum privacy distance of 23m required. The rear gardens to Plots 1 to 4 achieve a depth of approximately 11m to 11.3m and Plots 6-8 achieve 11.1 to 11.5m. Plot 5 has a garden depth of approximately 10.9m but compensates with a wider garden of 10.6m width. The garden depths/size for the dwelling sizes proposed are considered acceptable and generally comply with Appendix 3 of the Local Plan.

9.9 The scale, design and materials proposed in the amended scheme are in keeping with the character and appearance of the area. The Council's Design Officer considered the proposal and advised on suitable revisions to ensure the final design is in parity with the appeal scheme on the adjacent site on height/depth and roof proportions, particularly to the Type B houses on Plots 3 and 4 to be sympathetic to the character and appearance of the area. The consideration is consistent with the Inspector's view in the appeal decision for the approved development on the adjacent site with a similar character.

9.10 For the above reasons, the density, layout, design and scale of the proposal is considered acceptable and compliant with Policies CS11, CS12 and CS13 of the Core Strategy, Policies 18, 21, 111 and Saved Appendices 3, and the NPPF.

Impact on Residential Amenity

9.11 The spacing and alignment of the proposed development will not result in any significant harm to the residential amenities of any neighbouring properties. There would be no adverse loss of daylight or sunlight to neighbours. The first floor staircase/landing windows to Plot 1 and Plot 4 have the potential to overlook the neighbours to the north and south respectively, and a condition is recommended to secure obscure glazing with the lower pane fixed shut to Plots 1 and 4 in mitigation. Overall, the proposal would not give rise to overlooking or loss of privacy to neighbours. The proposal is therefore considered to be satisfactory and in accordance with Policy CS12 from the Core Strategy and Saved Appendix 3 of the Local Plan.

9.12 Within the scheme, Plot 5 would have a reduced outlook from the front because the position of the nearest proposed dwelling within the approved appeal scheme, close to the common boundary with a gap of approximately 1.3m, projects approximately 8m beyond the front building line. However, on balance it is not considered this shortcoming alone warrants refusal. The appeal scheme sits to the north side of the application site and loss of light or privacy is not considered to be an issue. The proposed dwellings provide generous internal floor space commensurate with size, and adequate private amenity space is provided to achieve a good standard of living accommodation for future occupants.

Impact on Highway Safety and Parking

9.13 The Highway Authority has considered the proposal and raise no objection in terms of highway safety, subject to recommended conditions. The central access road includes a separate pedestrian access for safety. The potential impact of the forecourt parking bays on Chesham Road to Plots 1 and 4 has been considered by the Highway Authority. The Parish Council expressed concerns about the forecourt parking on Chesham Road and vehicles reversing out. The Highway Authority considers that 'although on a classified road vehicles are usually required to enter and leave the highway in forward gear, a number of existing properties on this road do not have this facility and this does not appear to have created any severe points of conflict on the road: there have been no recorded accidents involving personal injury in the vicinity of the site in the last 5 years'. Consequently, it is considered acceptable in highway safety terms.

9.14 An additional concern expressed by the Parish Council relate to emergency vehicle access. The access road is approximately 4.15m wide at the entrance gate with an on-site hammerhead turning area to the rear. This arrangement mirrors the appeal scheme approved on the adjoining site at nos. 50 to 53. The Highway Authority also considered the access and turning areas for large vehicles to enter and leave in forward gear to be acceptable. The applicant has subsequently submitted swept path analysis diagrams to demonstrate that a refuse vehicle and fire appliance can enter and leave the site in forward gear. Appropriate informatives are also recommended by the Highway Authority, as set out below.

9.15 The proposed layout accommodates 14 spaces within the rear forecourt and 6 spaces to the front on Chesham Road. A total of 20 parking spaces are allocated to the proposed houses as marked on the layout plan. The Council's maximum requirement for accessibility Zone 4 for the proposed dwelling mix of 2 x 2 beds, 2 x 3 beds and 4 x 4 bed dwellings calculates at 19.5 spaces. Cycle storage is provided to each dwelling in the rear garden. The proposal complies with Council standards under Appendix 5 of the Local Plan.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.16 A tree report has been submitted to assess the impact of the proposal on existing trees, and while there are no TPOs affecting the site a mature tree with high amenity value is located close to the rear boundary. This is a mature Ash noted to the rear but on neighbouring land with symptoms consistent with Chalara Ash Dieback. While it is considered unlikely to survive for very long, it should be protected during the construction phase, together with existing mature hedging to the common boundaries to the north and south.

9.17 Existing trees within the neighbouring appeal site at no.51 are proposed to be removed but the Inspector considered the replacement tree planting on the appeal site was a benefit and the proposal replicates the gains in new planting. A condition is recommended to protect the Ash and hedgerow, together with a landscaping scheme for further approval for new tree planting. .

Waste Management

9.18 No comments have been received from the Council's waste manager. However, bin stores are indicated on the layout and plan and reserved for further detailed approval via the recommended landscaping condition to address waste storage. The site is accessible for waste collection.

Contamination

9.19 The Council's Contamination Officer considers the site to have potential for the presence of contamination on previously undeveloped ground, and conditions are recommended to address this issue.

Noise

9.20 The Council's Environmental Health Officer considers that the location of the development site has the potential to be impacted by road traffic noise from the Chesham Road. A condition is recommended to address this issue to comply with Core Strategy Policy CS32 and the NPPF to safeguard the health and wellbeing of future residents together with informatives on construction noise and dust.

Response to Neighbour Comments

9.21 These points have been addressed above other than ecology and impact on infrastructure.

Ecology

9.22 It is not envisaged that any protected species are present in this built up area. However, Herts Ecology were consulted because of the objection on this issue. They requested a Preliminary Ecological Appraisal (PEA). The applicant submitted an Ecological Assessment in support of the application. The report has been considered by Herts Ecology who advised that 'the habitats are of limited ecological value and the site is largely unsuitable for protected species, with the exception of hedgehogs and common garden birds. No further surveys are considered necessary'. Herts ecology do not consider there to be any ecological constraints for the proposal but recommend biodiversity enhancements. This is addressed by recommended Condition 14 below.

Infrastructure

9.23 Comments have also been made on infrastructure impacts relating to school places and local services. The proposal is subject to a CIL contribution to address local infrastructure provision. This is a minor development and it is not envisaged that the development would give rise to unacceptable infrastructure demands that cannot be met through the CIL provision.

Community Infrastructure Levy (CIL)

9.24 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions toward on-site, local and strategic infrastructure required to support the development. The contributions will normally extend only to the payment of CIL where applicable.

9.25 The Council adopted its CIL schedule in February 2015. This application is CIL Liable. The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre apply to the proposed development.

10. CONCLUSION

10.1 The proposal demonstrates the efficient use of an existing developed site within Bovingdon Village which is considered to be a sustainable form of development. It is supported by the NPPF

and Policies NP1, CS1 and CS4 of the Core Strategy and specifically the weight of evidence set by the appeal decision on the adjoining site for a similar development.

10.2 The development would not have any detrimental impacts on the character and appearance of the area, the amenity of neighbouring residents or on highway safety. Overall it is considered compliant with Policies CS8, CS11 and CS12 of the Core Strategy, Saved Policies 10, 18, 51, 54, 58, 99 and 111, and Appendices 3 and 5 of the Local Plan.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to the conditions set out below.

Condition(s) and Reason(s):

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

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

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

**19_378_PL01 Existing Site and Location Plan
19_378_PL02 G Proposed Site Plan
19_378_PL03 A House Type A Proposed Floor Plans
19_378_PL04 B Proposed House type A Proposed Elevations
19_378_PL05 A House Type B Proposed Floor Plans
19_378_PL06 B House Type B Proposed Elevations
19_378_PL07 House Type C Proposed Floor Plans
19_378_PL08 House Type C Proposed Elevations
19_378_PL09 A Proposed Front Aerial View
19_378_PL10 A Proposed Rear Aerial View
19_378_PL11 A Proposed View 1
19_378_PL12 A Proposed View 2
19_378_PL13 A Proposed View 3
19_378_PL14 -16 A Sun Path Study March, June and December
19_378_PL20 C Proposed Site Plan (showing adjoining site developed)
KMC18049-001C Fire Appliance Swept Path Analysis
KMC18049-002C Standard Refuse Vehicle Swept Path Analysis
KMC18049-003C Large Refuse vehicle Swept Path Analysis
KMC18049-004C Large Car Swept Path Analysis**

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

3. **No development (excluding demolition/ground investigations) 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: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- external lighting scheme

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 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 tree or shrub of a species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

6. Any contamination, other than that reported by virtue of Condition 5 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019)

7. No part of the development (excluding demolition/ground investigations) shall take place until the means of access have been constructed in accordance with the approved drawing 19_378_PL.02 C and constructed in accordance with " Roads in Hertfordshire A Guide for New developments".

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

8. Before first occupation or use of the development the access roads and turning and parking areas as shown on the approved plan(s) shall be provided and maintained thereafter.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

9. Visibility splays of not less than 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the new accesses, 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 and free and safe flow of traffic.

10. Before the approved development is occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

11. Upon completion of the development and prior to occupation, any unused access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

12. Prior to commencement of the development (excluding demolition/ground investigations) a ventilation strategy shall be submitted for the approval of the LPA to suitably protect the future occupiers of new housing from exposure to road transportation noise ingress in conjunction with adequate ventilation and mitigation of overheating. The ventilation strategy should therefore address how:

- the ventilation strategy impacts on the acoustic conditions
- the strategy for mitigating overheating impacts on the acoustic condition

And where justified include a more detailed overheating assessment to inform this.

The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation and retained thereafter.

Reason: To protect the residential amenities of future occupants, having regard to Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

13. The first floor side window(s) on the north elevation of Plot 1 (House Type A) and the south elevation of Plot 4 (House Type B) hereby permitted shall be non-opening to a height of 1.7m above finished floor level and permanently fitted with obscured glass to minimum level 4 obscurity for the lifetime of the development.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

14. Prior to the occupation of the development, biodiversity enhancements in accordance with the recommendations set out in Section 7 of the submitted Ecological Assessment by Green Environmental Consultants dated April 2020 shall be implemented and thereafter so retained to the satisfaction of the Local Planning Authority.

Reason: To ensure suitable ecological enhancements are provided within the development having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2019).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. The above conditions 5 and 6 are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land.
3. Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

4. Highway Authority Informatives

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their 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. This may mean that the developer will have to enter into a legal Section 278 agreement. The

applicant will need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. 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.

3. 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

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Ecology	<p>Thank you for re-consulting Hertfordshire Ecology on the above. I am pleased to see an Ecological Assessment (Green Environmental Consultants, April 2020) has now been submitted with this application.</p> <p>The site was visited in late March / early April 2020 and includes a residential dwelling with large rear garden comprising amenity grassland, ruderal vegetation and clipped boundary hedges. No trees are present within the site. The habitats are of limited ecological value and the site is largely unsuitable for protected species, with the exception of hedgehogs and common garden birds. No further surveys are considered necessary.</p> <p>I do not consider there to be any ecological constraints with these proposals. A number of sensible recommendations and biodiversity enhancements are made in Section 7 (including native species landscape planting to encourage and support wildlife, the provision of integrated bat boxes and modified fencing to main access for hedgehogs) and these should be followed.</p>

<p>Conservation & Design (DBC)</p>	<p>The application plans have been amended, the issue that concerned me particularly was the design of house type B. The roof to house type B has been reduced and projecting gables added to the rear, the resulting pair of properties look more proportionate and of improved design. The frontage remains somewhat dominated by parking but that is the nature of the development, if approved the landscaping should be a condition of any consent.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Contamination</p> <p>Having reviewed the documentation submitted with the above planning application and having considered the information held by the Environmental Health Department I have the following advice and recommendations in relation to land contamination.</p> <p>The application is for the redevelopment for housing on a previously developed site, albeit a site with a residential land-use history. Therefore, because of the proposal to demolish part of the existing buildings and introduce new dwellings with associated landscaping the possibility of ground contamination should be considered by the applicant/developer in taking any permission forward.</p> <p>For the above reasons it is recommended that the following planning conditions are imposed on the permission should it be granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p>

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Informatives:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land.

Noise

The location of the development site has the potential to be impacted by road traffic noise from the Chesham Road. The application is not supported by any information which considers this source of transportation noise. Noise is recognised with national planning policy and supporting documents (Noise Policy Statement of England, Planning Policy Guidance: Noise) as relevant to planning due to its impacts on health and quality of life.

I would recommend this development is subject to a planning condition which requires an assessment of noise impact prior to commencement of development. The reason is that as the development may require an alternative ventilation (in place of or in addition to opening windows) to provide an adequate level of amenity. This will also have to factor in overheating to ensure adequate conditions for resting / sleeping.

Noise condition:

Prior to commencement of the development, a ventilation strategy shall be submitted for the approval of the LPA to suitably protect likely future occupiers of new housing from exposure to road transportation noise ingress in conjunction with adequate ventilation and mitigation of overheating. The ventilation strategy should therefore address how:

- o the ventilation strategy impacts on the acoustic conditions
- o the strategy for mitigating overheating impacts on the acoustic condition

And where justified include a more detailed overheating assessment to inform this.

The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation and retained thereafter.

Policy CS32 - any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell, light, noise or noxious substances, will not be permitted.

Informatives:

Construction Hours of Working - (Plant & Machinery) Informative

	<p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Noise on Construction/Demolition Sites Informative</p> <p>The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.</p>
Hertfordshire Highways (HCC)	<p>Amendment</p> <p>Demolition of existing bungalow, construction of 8 new semidetached houses (2 x 2 bedroom, 2 x 3 bedroom and 4 x 4 bedroom), access, turning and parking areas, landscape planting and ancillary development. https://planning.dacorum.gov.uk/publicaccess/</p> <p>Decision</p> <p>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:</p> <p>CONDITIONS</p> <p>1. No part of the development shall begin until the means of access have been constructed in accordance with the approved drawing 19_378_PL.02 B and constructed in accordance with " Roads in Hertfordshire A Guide for New developments".</p> <p>Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.</p>

2. Before first occupation or use of the development the access roads and turning and parking areas as shown on the approved plan(s) shall be provided and maintained thereafter.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

3. Visibility splays of not less than 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the new accesses, 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 and free and safe flow of traffic.

4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

5. Upon completion of the development, any unused access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their 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. This may mean that the developer will have to enter into a legal Section 278 agreement. The applicant will need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. 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.

3. 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

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.

COMMENTS

This proposal is for: Demolition of existing bungalow, construction of 8 new semidetached houses (2 x 2 bedroom, 2 x 3 bedroom and 4 x 4 bedroom), access, turning and parking areas, landscape planting and ancillary development.

ACCESS

Vehicular

The proposal is to construct a new vehicular access and access road between the 2 pairs of houses that will front Chesham Road. This would include a pair of gates which open inwards, set back from the road with sufficient space for 3 cars to wait off-road whilst the gates are opening. An on-site vehicular turning area is also proposed. The two pairs of houses fronting Chesham road will require double vxos, giving direct access to their parking spaces.

Chesham Road is a busy "B" classified road, the B4505, with a 30 mph speed limit.

Although on a classified road vehicles are usually required to enter and leave the highway in forward gear, a number of existing properties on this road do not have this facility and this does not appear to have created any severe points of conflict on the road: there have been no recorded accidents involving personal injury in the vicinity of the site in the last 5 years.

Pedestrian and cycle access

Document: 19_378_PL.02 B , "proposed site plan" indicates that there will be a separate pedestrian footpath and gate alongside the vehicular access, in compliance with Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section 2: Highway Layout and Strategies, Chapter 1: General states that "The design must facilitate access for movement by all modes, and it must also be safe for all users.

The proposed new access road will require the applicant to enter into a S278 agreement and will require to be constructed with radial corners in line with standard set out in Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 - Design Standards and Advice Chapter 1 - Road Design Criteria. The applicant is to be informed that, as Highways Authority, HCC will not be adopting the proposed new access road.

PARKING

The access road would lead to a parking area for the houses to the rear, providing 2 spaces per property plus 2 visitor parking spaces for the 8 dwellings to share, as well as a turning area for large vehicles to be able to enter and leave the highway in forward gear.

In addition, secure cycle parking within each of the garden is proposed in accordance with the Dacorum cycle parking standards.

The four properties fronting onto Chesham Road will each have two parking spaces to the front, accessed directly from Chesham Road.

	<p>SUSTIANABILITY</p> <p>The transport statement shows that the site is within walking distance of all areas of Bovington and that, although there are no formal cycle facilities within the vicinity of the site, the local roads are conducive to cycling, with low vehicle speeds and flows.</p> <p>CONCLUSION</p> <p>Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways, subject to the conditions and informative notes above</p>
Local Parish	<p>Object ' our comments remain the same as reported on 29 November 2019</p> <ul style="list-style-type: none"> ' proposed house at rear of development bordering 48 Chesham Road is in too close proximity and will result in overlooking and cause significant loss of privacy ' any side windows should be glazed with obscure glass ' we maintain our view that vehicles having to reverse onto Chesham Road is dangerous ' Access road too narrow for service and emergency vehicles ' Insufficient bin storage facilities ' Over development of site <p>In addition, we would ask for clarification that the back gardens are at least 11.5 metres long</p>
Local Parish	<p>Object '</p> <ul style="list-style-type: none"> ' proposed house at rear of development bordering 48 Chesham Road is in too close proximity and will result in overlooking and cause significant loss of privacy ' any side windows should be glazed with obscure glass ' we maintain our view that vehicles having to reverse onto Chesham Road is dangerous ' Access road too narrow for service and emergency vehicles ' Insufficient bin storage facilities ' Over development of site
Environmental And Community Protection (DBC)	<p>Having reviewed the documentation submitted with the above planning application and having considered the information held by the Environmental Health Department I have the following advice and recommendations in relation to land contamination.</p> <p>The application is for the redevelopment for housing on a previously developed site, albeit a site with a residential land-use history. Therefore, because of the proposal to demolish part of the existing buildings and introduce new dwellings with associated landscaping the</p>

possibility of ground contamination should be considered by the applicant/developer in taking any permission forward.

For the above reasons it is recommended that the following planning conditions are imposed on the permission should it be granted.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Informatives:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land.

Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance,

	<p>produced in partnership by the Greater London Authority and London Councils.</p> <p>Noise on Construction/Demolition Sites Informative</p> <p>The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Decision</p> <p>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:</p> <p>CONDITIONS</p> <p>1. The applicant is required to submit a revised Design and Access Statement giving details of the proposed access for pedestrians and other non-vehicular modes of transport. Reason: In the interests of maintaining highway efficiency and safety.</p> <p>2. No part of the development shall begin until the means of access have been constructed in accordance with the approved drawing and constructed in accordance with " Roads in Hertfordshire A Guide for New developments". Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.</p> <p>3. Before first occupation or use of the development the access roads and turning and parking areas as shown on the approved plan(s) shall be provided and maintained thereafter. Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.</p> <p>4. Visibility splays of not less than 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the new accesses, 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 and free and safe flow of traffic.</p> <p>5. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be</p>

intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

6. Upon completion of the development, any unused access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their 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. This may mean that the developer will have to enter into a legal Section 278 agreement. The applicant will need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. 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.

3. 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.

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.

COMMENTS

This proposal is for: Demolition of existing bungalow, construction of 8 new semidetached houses (2 x 2 bedroom, 2 x 3 bedroom and 4 x 4 bedroom), access, turning and parking areas, landscape planting and ancillary development.

ACCESS

Vehicular

The proposal is to construct a new vehicular access and access road between the 2 pairs of houses that will front Chesham Road. This would include a pair of gates which open inwards, set back from the road with sufficient space for 3 cars to wait off-road whilst the gates are opening. An on-site vehicular turning area is also proposed. The two pairs of houses fronting Chesham road will require double vxos, giving direct access to their parking spaces.

Chesham Road is a busy "B" classified road, the B4505, with a 30 mph speed limit.

Although on a classified road vehicles are usually required to enter and leave the highway in forward gear, a number of existing properties on this road do not have this facility and this does not appear to have created any severe points of conflict on the road: there have been no recorded accidents involving personal injury in the vicinity of the site in the last 5 years.

Pedestrian and cycle access

Document: 19_378_PL.02, "proposed site plan" indicates that the access to the four rear properties will be by shared surface, since there is no separate pedestrian footpath shown. This is acceptable in

Highway terms; however, the double gates across the full width of the access drive do not appear to allow for access by pedestrians or cyclists. Furthermore, no indication has been given regarding the operation of these proposed gates.

Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section 2: Highway Layout and Strategies, Chapter 1: General states that "The design must facilitate access for movement by all modes, and it must also be safe for all users. The interaction between different modes - pedestrians, cyclists, cars and others needs to be carefully considered.

The applicant is required to submit a detailed plan showing how non-vehicular modes of transport will access the rear properties and also how the proposed gates are to be operated. The proposed new access road will require the applicant to enter into a S278 agreement and will require to be constructed with radial corners in line with standard set out in Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 - Design Standards and Advice Chapter 1 - Road Design Criteria. The applicant is to be informed that, as Highways Authority, HCC will not be adopting the proposed new access road.

PARKING

The access road would lead to a parking area for the houses to the rear, providing 2 spaces per property plus 2 visitor parking spaces for the 8 dwellings to share, as well as a turning area for large vehicles to be able to enter and leave the highway in forward gear.

In addition, secure cycle parking within each of the garden is proposed in accordance with the Dacorum cycle parking standards.

The four properties fronting onto Chesham Road will each have two parking spaces to the front, accessed directly from Chesham Road.

SUSTIANABILITY

The transport statement shows that the site is within walking distance of all areas of Bovington and that, although there are no formal cycle facilities within the vicinity of the site, the local roads are conducive to cycling, with low vehicle speeds and flows.

CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways, subject to the conditions and informative notes above

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
10	6	0	5	1

Neighbour Responses

Address	Comments
22A Hyde Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0EG	I think this is a good use of a very large garden on brown field land (better than building on green belt) and the proposed development looks very nice and would improve the appearance of the road
Scott House 22 Chesham Road Bovingdon Hemel Hempstead Hertfordshire HP3 0ED	<ul style="list-style-type: none"> - negative impact on local ecology - too close to new Tesco store causing further traffic congestion on the busy Chesham Road - too close to the new development and access road 50m along the road. - over population in too small an area - Increase in traffic congestion and pollution - vehicles slowing down and manoeuvring into the new development will causes other vehicles to overtake and - and possibly cause dangerous vehicle manoeuvring outside proposed new development - not enough parking for proposed development`s residents causing parking or manoeuvring on the main high road - Increase of pollution - increase in traffic noise - increased Noise nuisance from residential area - Over development of existing site - local schools and doctors surgery all ready over subscribed, leading to further traffic movement, noise and pollution -complete change of appearance of the road from low rise single detached property's bungalows. -Not in keeping with existing property designs along this stretch of the village. <p>I live almost opposite to the proposed development. I would not have a concern of the existing property being renovated in blending in with the existing property's on this road. I do have big concerns with over development on this site in trying to fit as many houses as possible for maximum financial gain at the expense of the existing residents. It's obvious over development taking into account the development already approved 50m from this property. I am concerned about air pollution with the extra vehicle movements. Chesham Road is already a busy B road.</p> <p>The addition of another road/close in near proximity to the other development`s road being built concerns me for safety reasons for both pedestrians and car drivers with traffic pulling out and turning into the proposed new development from this busy road. Please take into</p>

	<p>account Bovingdon's infrastructure is already struggling with bad traffic congestion and lack of safe places to park.</p>
<p>Colyers Edge 48 Chesham Road Bovingdon Hemel Hempstead Hertfordshire HP3 0EA</p>	<p>I live next door to the proposed development. I have enjoyed the green oasis that is my garden for 15 years. Whilst I have no issue with the main house being developed, I do have issues with cramming 4x4 bed houses in the rear garden. It's over development, bearing in mind the development already approved next to that. I am concerned about air pollution with the extra cars, noise pollution and loss of light to my house and garden. My garden/ house will be overlooked and the privacy of those living in my house will be greatly impacted. Chesham Road is a busy B road- the addition of another close in close proximity to the other new road concerns me for safety reasons for both pedestrians and car drivers, with traffic pulling out onto a busy road. Bovingdon's infrastructure is already struggling with a congested high street and lack of safe places to park.</p>
<p>13 Chesham Road Bovingdon Hemel Hempstead Hertfordshire HP3 0ED</p>	<p>why was we not inform about this development is this a case of never mind we do what we want and sod the people living on the Chesham rd</p> <p>4 weeks ago we could not get out or into the village due to market traffic</p> <p>over development of back garden is not what the village is about no new schools /doctors /more traffic /more noise loss of green land and trees</p>
<p>13 Chesham Road Bovingdon Hemel Hempstead Hertfordshire HP3 0ED</p>	<p>Objections to this new development will go unchallenged as a precedent has already been set by the approval of the over development at 50-53 Chesham Road.</p> <p>I do Object however that the planning case officer requested the development be reduced by 1 unit, this has not been done, so should be rejected and re-submitted. As always, there is never enough parking, a 4 bed house needs 3 spaces, where are the visitor spaces? The parking will spill out onto the access road and Chesham Road itself causing restrictions for emergency services.</p> <p>If this development goes ahead there will be many concerns over uncontrolled, progressive over development of the area. The piecemeal developments in small pockets like this and the recently consented site next door risks the over development spreading along the street and completely obliterating the original character of the area.</p> <p>This site is smaller than the recently consented one next door but has 8 dwellings and therefore blatantly an over development, as noted by the Planning Officer at pre-application stage.</p> <p>I would also question the period of public consultation, I for one have not received notification of this planning by letter or have seen any "orange" notices pinned up outside the development.</p>

	<p>A search on the website prior to Christmas turned up nothing also. With this in mind I believe that anyone who wishes to have made comment has been prejudiced and the application should be re-advertised and the consideration period re-commenced, with the reduced number of dwellings as requested by the Planning Officer.</p>
<p>11 Chesham Road Bovingdon Hemel Hempstead Hertfordshire HP3 0ED</p>	<p>Fitting 8 new houses on the site of 1 bungalow is over development of the area especially since there is 2 other large redevelopments on the same road. One is finished but nobody lives in it 7 months after the work was completed and another is currently being built next door to this one. The redevelopment of the area is clearly to make money for the developers and not benefit the local people as the prices are too high to be affordable housing. 49 Chesham Road was brought by a developer with the clear intention of making money from it.</p> <p>If this development goes ahead then 5 out of 9 properties on that bit of the road has or will have been redeveloped to fit as many properties as possible on it. That is a total of 25 new properties built in the space of 4 houses and a shop/garage.</p>

Agenda Item 5d

Item 5d 20/00089/FUL

Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration.

Barn A, Flaunden Stables, Birch Lane, Flaunden



1:1 South Elevation.
Scale 1:100



1:1 North Elevation.
Scale 1:100

Item 5d 20/00089/FUL

Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration.

Barn A, Flaunden Stables, Birch Lane, Flaunden



East Elevation.

Scale 1:100



West Elevation.

Scale 1:100

ITEM NUMBER: 5d

20/00089/FUL	Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration.	
Site Address:	Barn A Flaunden Stables Birch Lane Flaunden HP3 0PT	
Applicant/Agent:	Mr Bunu	
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Flaunden Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Contrary view of the Flaunden Parish Council	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The proposal is acceptable in principle as confirmed by previous approvals and complies with CS5 Green Belt in that it is a limited extension to an existing building and has no significant impact on the character and appearance of the countryside. There will be no loss of amenity for the neighbours as a result of the proposal. The proposal will preserve the character of the Flaunden Conservation Area. There will be no impact on parking or highway safety. The Air, Soil and Water Quality will not be detrimentally affected by the proposal. As a result it is considered that the scheme complies with CS12 Quality of Site Design, CS27 Quality of the Historic Environment and CS32 Air, Soil and Water Quality.

3. SITE DESCRIPTION

- 3.1 The site (outlined in red) is located on the eastern side of Birch Lane, Flaunden and is accessed via an unnamed access lane. The site comprises the access and a partly converted Barn – which for the purposes of this and previous applications is called “Barn A”.
- 3.2 The adjacent land (outlined in blue) on the site location plan includes large open fields located to the north-east and north-west and to the south of the site there are three buildings which include:
- Barn B – now called “Honeysuckle Cottage” – which is in residential use and the Manager’s cottage;
 - Large U shaped stable building and a menage; and
 - The Coach House – a residential unit which historically was the manager’s cottage for the equestrian use.
- 3.3 The site is located within the Metropolitan Green Belt and partly covered by the Flaunden Conservation Area. The boundary of the Conservation Area runs along the western side of Barn A and includes the access road.

4. PROPOSAL

- 4.1 The proposal is for the conversion of the barn to residential, raising of roof, change of roof pitch and changes to the fenestration.
- 4.2 It is proposed to raise the ridge height by 1.6 metres. An increase in roof pitch will allow the use of Slate Grey roofing materials rather than the composite metal roof approved under application 4/02327/19/DRC.

- 4.3 It is proposed to increase the eaves height by 0.6 metres to allow the required headroom on the staircase and provide more openness to the landing areas and bathrooms.
- 4.4 The main entrance to the dwellings will be from the south/front via the lounge/diner – the side access will be a secondary access.
- 4.5 The pedestrian and vehicular surfaces will be finished with loose laid gravel – 10 mm local gravel pea shingle in a pale/yellow mixture. The pedestrian access to the western side of the building will be made from this material which will prevent any damage to the trees along this boundary.
- 4.6 The applicant has stated that works for this scheme have not begun. The existing roof is still in situ so it's impossible to exceed the current height.

Background

- 4.7 The whole of this site was the subject of a holistic approach considered under planning application 4/03481/15/MFA which aimed to allow some residential use on the site whilst re-establishing the previous equestrian use. Conversion of Barn A to form a 4 bedroom dwelling was approved as part of this application.
- 4.8 A later application (4/01658/16/FUL) was granted planning permission for conversion of the existing agricultural barn to two semi-detached dwellings on 24.3.17.
- 4.9 4/02327/19/DRC approved a landscaping plan which showed protection of the trees and a footpath along the western side of Barn A.

5. PLANNING HISTORY

Planning Applications:

4/02327/19/DRC - Details as required by condition 2 (materials) condition 3 (landscaping) condition 4 (contamination), condition 7 (layout of use) condition 8 (fire hydrants) condition 10 (business plan) attached to planning permission 4/01658/16/FUL (Conversion of existing agricultural barn to 2 semi-detached dwellings.)

GRA - 12th February 2020

4/01674/19/NMA - Non material amendment to planning permission 4/03481/15/mfa - conversion of existing agricultural barn to form a 4 bed detached dwelling; conversion of existing agricultural barn to form a 2 bed detached dwelling with manager's office; single storey rear

GRA - 10th September 2019

4/01300/17/DRC - Details required by condition 3(landscaping), 4(contaminated land), 5(contaminated land), 7(approved plans), 8(fire hydrants), 11 (materials) and 12 (business plan) attached to planning permission 4/02937/16/ful - conversion of agricultural barn to form a

GRA - 13th July 2017

4/01192/17/DRC - Details of materials, landscaping, contamination, horse and pedestrian safety, sustainability, fire hydrants and business plan as required by conditions 2, 3, 4, 7, 8 and 10 of planning permission 4/01658/16/ful (conversion of existing agricultural barn t

REF - 3rd January 2019

4/02937/16/FUL - Conversion of agricultural barn to form a pair of semi detached dwellings comprising a two-bedroom unit for a stable manager with associated tack storage, lockable office and a one-bedroom dwelling for open market Housing.
GRA - 24th March 2017

4/02298/16/DRC - Details required by conditions 3 (hard and soft landscaping), 4 (phase 1 report), 6 (layout of equestrian use), 7 (fire hydrants), 10 (external materials), 11 (external materials) and 12 (business plan) attached to planning permission 4/03481/15/mfa - con
GRA - 13th February 2017

4/01658/16/FUL - Conversion of existing agricultural barn to 2 semi detached Dwellings.
GRA - 24th March 2017

4/03481/15/MFA - Conversion of existing agricultural barn to form a 4 bed detached dwelling; conversion of existing agricultural barn to form a 2 bed detached dwelling with manager's office; single storey rear extension to coach house; and refurbishment and improvement of
GRA - 5th July 2016

4/03435/15/FUL - Conversion of agricultural barn to b1a office space

4/01123/15/FUL - Conversion of an existing stables to form a single four bedroom house with garage and workshop (revised Scheme).
REF - 21st August 2015

4/01569/05/FUL - Stationing of caravan for safety and welfare of horses
REF - 19th September 2005

4/02292/03/FUL - Extension to cottage and conversion of adjoining stables. Demolition of tack/feed room
GRA - 18th December 2003

4/00567/03/FUL - Demolition of existing tack and feed room, conversion of stables and extension to accommodation REF - *8th May 2003*

4/02089/01/CAC - Removal of barn *REF - 21st February 2002*

4/02088/01/FUL - Replacement of existing barn with new dwellinghouse
REF - 21st February 2002

4/00848/01/CAC - Demolition of barn *REF - 28th August 2001*

4/00821/01/FUL - One dwelling *REF - 28th August 2001*

Appeals:

4/02986/15/FUL – Conversion of Existing Agricultural Barn to form a detached two bedroom dwelling. Appeal Withdrawn by applicant - *17th August 2016*

4/01123/15/FUL – Conversion of an Existing Stables to form a single four bedroom house with garage and workshop. Appeal Withdrawn by applicant - *17th August 2016*

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Special Control for Advertisements: Advert Spec Contr

CIL Zone: CIL2
Conservation Area: FLAUNDEN
Former Land Use (Risk Zone): Pond (Infilled?), Birch Lane, Flaunden
Former Land Use (Risk Zone): Former Burial Ground, Birch Lane, Flaunden
Former Land Use (Risk Zone): Infilled Pond, 110 Flaunden
Former Land Use (Risk Zone): Infilled Ponds, Rose Cottage, Flaunden
Former Land Use (Risk Zone): Infilled Pond, Birch Lane, Flaunden
Green Belt: Policy: CS5
LHR Wind Turbine
Parish: Flaunden CP
RAF Halton and Chenies Zone: Green (15.2m)
EA Source Protection Zone: 3
EA Source Protection Zone: 2

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS12 - Quality of Site Design
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS32 – Air, Soil and Water Quality

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;

- Impact on Green Belt
- The quality of design, impact on visual amenity and the Flaunden Conservation Area;
- The impact on residential amenity; and
- The impact on highway safety and car parking.

Principle of Development

9.2 The principle of converting Barn A to residential was accepted as part of the MFA referred to above for the reasons outlined in the Case Officer’s report.

“The Government has taken a number of steps to encourage the re-use of rural buildings for residential and other purposes. Given the thrust of national policy, coupled with the proposed development having no adverse impact on the openness of the Green Belt, it is considered that a robust reason for refusal could not be substantiated when considering the impact of the proposed development on the rural economy alone.

The proposed development is in line with recent changes to planning policies at local and national level. The Core Strategy, NPPF and the GPDO now encourage the conversion of agricultural/rural buildings to residential.”

Impact on Green Belt

9.3 Para. 145 of the NPPF states:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; “

9.4 Para. 146 of the NPPF states:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:”

“d) the re-use of buildings provided that the buildings are of permanent and substantial construction.”

9.5 A comparative table showing the differences between the original building, the approved conversion and that now proposed is below:

Comparison	Footprint (m ²)	Floor Area (m ²)	Volume (m ³)
Original Barn (Includes outbuildings/extensions at the back)	533.19	533.19	2656.24
Proposed dwellings (20/00089/FUL)	354.47	582.07	2112.87
Approved dwellings (4/01658/16/FUL)	354.47	596.91	1796.49
Difference between original and approved	-178.72	63.72	-859.75
Difference between original and proposed	-178.72	48.88	-543.37
Difference between approved and proposed	0	-14.84	0

% difference (approved: original - 4/01658/16)	66	+12	67
% difference (proposed: original - 20/00089/FUL)	66	+9	79

Footprint: Proposed footprint is 66% of the original size of the barn due to the demolition of the rear outbuildings/extensions and this would be identical to that of the approved scheme.

Floor Area: Proposed floor area would be 9% more than the original barn. However, an increase of 12% has already been approved. The 3% difference between the approved and the proposed is due to the voids in the latter.

Volume: Proposed volume would be 21% less than the original due to the demolition of the rear outbuildings/extensions. The proposed scheme would however be 12% greater than the approved scheme as a result of increasing the roof height.

- 9.6 The changes to the roof proposed will increase the overall height of the barn but the overall volume compared with the original barn will be less as buildings to the rear will be demolished. The removal of Permitted Development Rights (discussed at 9.19) will ensure that there is control over any new outbuildings. It is considered therefore that the proposed scheme will not have a greater impact on the openness of the Green Belt.
- 9.7 The proposed development would therefore not be disproportionate to the size of the original barn and the approved scheme provides a realistic fallback position in this respect.
- 9.8 Based on the above information it is considered that the proposal complies with the NPPF and CS 5 by nature of being small scale and a limited extension to an existing building. The proposal will not have a significant impact on the character and appearance of the countryside.
- 9.9 Amended plans were requested showing the removal of the side door on the eastern elevation as there is no permission for a footpath along this boundary and it was considered that this would result in further encroachment into the Green Belt. These plans are identical to those consulted upon except for the removal of the side door. These plans will be part of the package shown to members at the meeting.

Quality of Design / Impact on Visual Amenity and the Flaunden Conservation Area

- 9.10 The Conservation Officer considered that due to the use of improved materials on the roof that the increase in ridge height would have a neutral impact on the character of the area and the Flaunden Conservation Area.

Impact on Residential Amenity

- 9.11 The nearest dwelling to Barn A is in excess of 50 metres away to the west so there would be no loss of amenity as a result of the proposed scheme.
- 9.12 There will be no significant loss of sunlight and daylight and no overlooking. The roof lights mentioned by an objector have been removed from the proposal.

Impact on Highway Safety and Parking

- 9.13 The existing number of car parking spaces is 5. There are no changes proposed to the number of car parking spaces or the existing access.

Impact on Trees and Landscaping

- 9.14 The row of trees along the western side of Barn A provide a visual screen between the dwellings along Birch Lane and the site. Retention of this row of trees was an important part of the previous approvals.
- 9.15 A condition will be placed on any approval stating that these trees will need to be protected during construction and retained.

Contaminated Land

- 9.16 The site is constrained by a number of former landuse risk zones. This matter was addressed in previous applications. As this proposal is changing the roof height only it will not have any greater impact than the previous proposals.
- 9.17 4/01658/16/FUL set two conditions (4 & 5) regarding contaminated land. 4/02327/19/DRC discharged condition 4 but not condition 5 – this must be submitted in the future. As a result of the above, condition 5 will be added to this approval if granted.

Conditions

- 9.18 Any other relevant conditions set in the previous applications for the conversion of Barn A to residential will also be applied.
- 9.19 It has been recommended that Permitted Development Rights be removed as part of any approval on this site. The reason for this is so the planning authority has control over any extensions or modifications to the converted barn to ensure that there is no impact on openness of the Green Belt and no changes to the external appearance of the dwelling which would be detrimental to the rural character of the building or the Flaunden Conservation Area.

Equestrian Use

- 9.20 The previous approval for Equestrian Use will not be affected by this proposal. The MFA approved conversion of this Barn to residential as part of the holistic plan for the site. As part of the MFA a Unilateral Undertaking was signed to ensure that the equestrian use was re-established.

Ecology

- 9.21 The following comments were received from Hertfordshire Ecology when consulted as part of the MFA application. They were not consulted as part of this application as the only changes being made are to roof height and fenestration.

“We do not have any known biological (habitats or species) records for the application site. We have bird records for the area, and the nearest record of bats roosting within a building is over 600m away.

I advise a precautionary approach is taken and the following **Informatives** are added to any permission granted:

“Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”

- "Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished."

Response to Neighbour Comments

9.22 These points have been addressed above other than the following:

- No roof lights are proposed;
- The distance between the front elevation of the barn and Flaunden House is well in excess of the minimum front to back distance of 23 metres stated in Saved Appendix 3 of the Dacorum Borough Local Plan; and
- The pathway along the western side of the building will be beneath the trees. The pathway will be surfaced with loose gravel so that no excavation will be required. Protection of the roots of these trees will be ensured. This door will be a side door only.

Community Infrastructure Levy (CIL)

9.23 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is CIL liable due to resulting in more than 100m² of additional floor space.

10. CONCLUSION

10.1 To conclude it is considered that the proposal is acceptable in principle and complies with CS5 in that it is a limited extension to an existing building and has no significant impact on the character and appearance of the countryside. There will be no loss of amenity for the neighbours as a result of the proposal. The proposal will preserve the character of the Flaunden Conservation Area. As a result it is considered that the scheme complies with CS12 and CS 27.

11. RECOMMENDATION

11.1 That planning permission be granted.

Condition(s) and Reason(s):

1. The development hereby permitted shall begin 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 (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces between the windows 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: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

3. The development hereby permitted shall be constructed in accordance with the materials specified on the application form with the exception of those which describe boundary treatment and the materials between the windows - these are to be addressed via other conditions which require details of boundary treatment and materials.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

4. Prior to the commencement of development hereby approved, a Tree Protection Plan must be prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how the trees along the western side of Barn A shall be protected during the construction of the approved development and the footpath along the western side of the Barn and how the type of footpath will ensure protection of the trees and their root system in the future, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019).

5. As shown on the approved plans the full size windows at ground floor on the eastern elevation must be non - opening.

Reason: To avoid any encroachment into the Green Belt by the construction of a footpath along this side boundary and therefore to comply with the NPPF and CS 5 Green Belt.

6. All remediation or protection measures identified in the Remediation Statement referred to in Condition (4) of planning application 4/01658/16/FUL shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

7. 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:

Schedule 2 Part 1 Classes [A, B, C, D, E, F and G]

Part 2 Classes [A, B and C].

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

Reason: In the interests of safeguarding the openness of the Green Belt; the rural character of the building and the site; and the visual amenity of the surrounding countryside. The proposed development comprises of the conversion of an agricultural building in a rural area and it is important for the local planning authority to retain control over certain future development which would normally represent permitted development, in order to safeguard the rural character of the surrounding countryside.

8. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- o hard surfacing materials;
 - o means of enclosure: no fencing will be permitted along the western side of the Barn.
 - o 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;

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

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 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 tree or shrub of a species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

9. Notwithstanding the details shown on the approved plans, prior to construction/installation of the garage doors details shall be provided showing the design and materials of the garage doors to blend in with the rural character of the barn conversion. The approved works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: In the interests of protection of the rural character of the countryside and the Flaunden Conservation Area. To comply with CS5 and CS27.

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

A. 47499. 04H Proposed Plans and Elevations
Supplementary Planning Statement
Proposed Site Plan

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. 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.
3. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.
4. 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.
5. Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

6. Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.

7. Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished."

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>Comments dated 30.3.20</p> <p>I understand and sympathise with the objector's comments. This has always proved a difficult building to convert as a pair of semi-detached dwellings, given its agri-industrial appearance. On balance, the change to a more traditional roof material will be a benefit, and the removal of the roof-lights is therefore a positive (I think the objector may be under the impression they are still included?)</p> <p>On the second point, the submitted plans showed domestic style fenestration which was inappropriate to a barn-like structure, and thus it has been changed to give a more vertical emphasis.</p> <p>I was commenting on the design issues only and so could understand that moving the entrances to the side might be seen to encroach on the Green Belt. There is no reason why the entrances should not stay where they were originally planned.</p> <p>Comments dated 18/3/20</p> <p>This is a contemporary barn that has had consent to convert into dwellings. The proposals would have a minimal impact on the setting of the nearby conservation area. There would be a slight increase in height however the improved materials used would be beneficial. Therefore overall we would not object to the proposal as it would have a neutral impact on the character of the area.</p>
Local Parish	<p>Flaunden Parish Council recommend refusal of this application for the following reasons:</p> <p>The application completely changes the original granted application for a barn conversion.</p> <p>DBC & FPC spent an immeasurable amount of time making sure that the conversion of Barn A would be sympathetic to the surroundings and not impact negatively to the Green Belt. This latest application does not adhere to the policies laid down by both the NPPF and Dacorum's Core Strategy.</p> <p>Raising the roof from 6.36m to 7.9m high will add more bulk to an</p>

already substantial building and will make it much more dominant in the surrounding area.

The suitability of a roof with a pitch of only 12 degrees was queried by FPC at the time of an earlier application but the then developer said that it was a perfectly adequate pitch which it was not necessary to increase.

The significant increase in fenestration is not in keeping with a barn conversion in a sensitive area of the Green Belt. FPC objects to yet another request for an increase in the fenestration which is taking the building still further from the original barn conversion. This is well illustrated by comparing the approved application 4/01658/16/FUL with this new application.

Planning Design Application:

Page 6: The application is misleading in stating that there are no changes proposed to the western elevation and it is inaccurate in respect of the description of changes to the eastern elevation. The list of alterations fails to mention that the front doors on the south elevation are to be moved to the west and east elevations. This will necessitate access by hard paths. The hedge on the western boundary is tight up against the hedge boundary of Birch Lane House. This hedge has a protection condition as part of the permission that no damage would be caused with the conversion.

Page 7: The applicant compares the already approved plan with the proposed plan. It is interesting that for some reason the scale used for the proposed front and rear elevations of the building is different from the scale used for the approved plan. This minimises the apparent size of the building which, using the comparable scale, should be shown 20% larger than shown. No scale measurements are shown on any of the illustrations.

Contrary to the applicant's assertion work has already started on the alterations.

FPC consider that these further amendments will have a detrimental effect on the Green Belt. It will substantially alter a barn conversion into, effectively, the construction of two new large semi-detached houses in the Green Belt. This will change the character of this historic environment.

In summary it is the PC's opinion that the increase in the roof height and the increase in the fenestration would create harm in the Green Belt and the surrounding area of open countryside.

<p>Hertfordshire Highways (HCC)</p>	<p>Comments on amended plans</p> <p>Amendment to proposal: Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration. https://planning.dacorum.gov.uk/publicaccess/</p> <p>Decision</p> <p>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.</p> <p>INFORMATIVES:</p> <p>1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.</p> <p>2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047</p> <p>3. 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 https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx.</p> <p>COMMENTS</p> <p>This application is for: Raising of roof, change of roof pitch, conversion of barn and changes to fenestration (Amendment to previous permission Ref. 4/01658/16/FUL) This amendment has no highway implications.</p> <p>ACCESS</p>
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The site is located on Birch Lane, which is an unnumbered "C" Classified Road, with a 30mph speed limit.

No new or altered vehicular or pedestrian access to the highway is required and no works are proposed in the highway.

PARKING

Five parking spaces will be provided.

CONCLUSION

HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the informative notes above.

Comments on original plans

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.

INFORMATIVES:

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

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

3. 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

	<p>available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx.</p> <p>COMMENTS This application is for: Raising of roof, change of roof pitch, conversion of barn and changes to fenestration (Amendment to previous permission Ref. 4/01658/16/FUL) This amendment has no highway implications.</p> <p>ACCESS The site is located on Birch Lane, which is an unnumbered "C" Classified Road, with a 30mph speed limit. No new or altered vehicular or pedestrian access to the highway is required and no works are proposed in the highway.</p> <p>PARKING Five parking spaces will be provided.</p> <p>CONCLUSION HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the informative notes above.</p>
Local Parish	<p>I see that this is a new application but with the same reference number as the previous application dated 15th January adding just more confusion to an already complex application.</p> <p>Flaunden Parish Council have looked at these new plans and it is their belief that the new application requesting yet more fenestration than that applied for in the original 15th January application would mean the construction of, effectively, a totally new building bearing no relationship to the application originally approved in 2017. FPC would like to draw your attention to the comparison of that barn conversion and today's plan. Nothing has been presented to alter the submission sent to you in the email of 10/2/20 which I am resubmitting below as our reasons for objecting to this latest application. There has been no mention or representation in the drawings to show the roof lights. The encroachment into the Green Belt, the increase in fenestration and the raising of the roof height in this application goes against the previously agreed specifications.</p> <p>Planning Application 20/00089/FUL Flaunden House Stables. Barn A</p> <p>Flaunden Parish Council recommend refusal of this application for the following reasons:</p> <p>The application completely changes the original granted application for</p>

a barn conversion.

DBC & FPC spent an immeasurable amount of time making sure that the conversion of Barn A would be sympathetic to the surroundings and not impact negatively to the Green Belt. This latest application does not adhere to the policies laid down by both the NPPF and Dacorum's Core Strategy.

Raising the roof from 6.36m to 7.9m high will add more bulk to an already substantial building and will make it much more dominant in the surrounding area.

The suitability of a roof with a pitch of only 12 degrees was queried by FPC at the time of an earlier application but the then developer said that it was a perfectly adequate pitch which it was not necessary to increase.

The significant increase in fenestration is not in keeping with a barn conversion in a sensitive area of the Green Belt. FPC objects to yet another request for an increase in the fenestration which is taking the building still further from the original barn conversion. This is well illustrated by comparing the approved application 4/01658/16/FUL with this new application.

Planning Design Application:

Page 6: The application is misleading in stating that there are no changes proposed to the western elevation and it is inaccurate in respect of the description of changes to the eastern elevation. The list of alterations fails to mention that the front doors on the south elevation are to be moved to the west and east elevations. This will necessitate access by hard paths. The hedge on the western boundary is tight up against the hedge boundary of Birch Lane House. This hedge has a protection condition as part of the permission that no damage would be caused with the conversion.

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Contrary to the applicant's assertion work has already started on the alterations.

FPC consider that these further amendments will have a detrimental effect on the Green Belt. It will substantially alter a barn conversion into,

	<p>effectively, the construction of two new large semi-detached houses in the Green Belt. This will change the character of this historic environment.</p> <p>In summary it is the PC's opinion that the increase in the roof height and the increase in the fenestration would create harm in the Green Belt and the surrounding area of open countryside. FPC therefore recommend refusal of this application.</p>
Trees & Woodlands	<p>According to the information submitted the applicant advises no trees will be detrimentally impacted by the changes to the development. I have examined the information and can confirm no trees are affected and subsequently have no objections to application being approved in full.</p>
Hertfordshire Highways (HCC)	<p>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.</p> <p>INFORMATIVES:</p> <p>1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.</p> <p>2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047</p> <p>3. 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</p>

	<p>available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx.</p> <p>COMMENTS This application is for: Raising of roof, change of roof pitch, conversion of barn and changes to fenestration (Amendment to previous permission Ref. 4/01658/16/FUL)</p> <p>This amendment has no highway implications.</p> <p>ACCESS The site is located on Birch Lane, which is an unnumbered "C" Classified Road, with a 30mph speed limit.</p> <p>No new or altered vehicular or pedestrian access to the highway is required and no works are proposed in the highway.</p> <p>PARKING Five parking spaces will be provided.</p> <p>CONCLUSION HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the informative notes above.</p>
Local Parish	<p>I see that this is a new application but with the same reference number as the previous application dated 15th January adding just more confusion to an already complex application.</p> <p>Flaunden Parish Council have looked at these new plans and it is their belief that the new application requesting yet more fenestration than that applied for in the original 15th January application would mean the construction of, effectively, a totally new building bearing no relationship to the application originally approved in 2017. FPC would like to draw your attention to the comparison of that barn conversion and today's plan. Nothing has been presented to alter the submission sent to you in the email of 10/2/20 which I am resubmitting below as our reasons for objecting to this latest application. There has been no mention or representation in the drawings to show the roof lights. The encroachment into the Green Belt, the increase in fenestration and the raising of the roof height in this application goes against the previously agreed specifications.</p> <p>Planning Application 20/00089/FUL Flaunden House Stables. Barn A</p> <p>Flaunden Parish Council recommend refusal of this application for the following reasons:</p> <p>The application completely changes the original granted application for a barn conversion.</p> <p>DBC & FPC spent an immeasurable amount of time making sure that the conversion of Barn A would be sympathetic to the surroundings and not impact negatively to the Green Belt. This latest application does not adhere to the policies laid down by both the NPPF and Dacorum's Core</p>

Strategy.

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Contrary to the applicant's assertion work has already started on the alterations.

FPC consider that these further amendments will have a detrimental effect on the Green Belt. It will substantially alter a barn conversion into, effectively, the construction of two new large semi-detached houses in the Green Belt. This will change the character of this historic environment.

In summary it is the PC's opinion that the increase in the roof height and

	<p>the increase in the fenestration would create harm in the Green Belt and the surrounding area of open countryside. FPC therefore recommend refusal of this application.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
37	2	0	2	0

Neighbour Responses

Address	Comments
<p>Birch Lane House Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT</p>	<p>Much emphasis was placed in the approval of the original development on maintaining the external aesthetics and dimensions of the property as close to the original barn as possible. This was to minimise the impact on the openness and character on the green belt area, reduce the impact on and privacy of neighbouring properties and protect the surrounding vegetation and hedgerow. This latest proposal is detrimental to all of the above.</p> <p>To raise the roof line by 1.6 metres will make the volume of the building significantly larger than currently approved, with a resulting detrimental impact on the openness of the green belt and also on the aesthetics when viewed from neighbouring properties. The increased pitch and height of the roof will also change the aspect of the previously approved roof lights in the building which will now overlook neighbouring properties rather than being unobtrusive and skyward facing as previously approved and intended. These are not shown on the new proposed elevations. The low pitch of the existing roof was integral to the earlier approval granted and fully discussed in the original proposal process. It was acknowledged and accepted that as a result of this, the approved roof lights would not impact the privacy of neighbouring properties. This was specifically highlighted in the currently approved planning application, which stated in the supporting Design and Access Statement submitted;</p> <p>"The openings on the roof would include conservation roof lights designed with slim clean lines and a low-profile to match the roofline, enhancing again the aesthetics of the building. These roof lights offer sky views only and do not affect the privacy of neighbouring properties."</p> <p>The internal and external reconfiguration of both properties to now put the front doors on the east and west elevations respectively will also go against the principal, aesthetic requirement and conditions of the original approval. Siting front doors on these elevations will require additional hard landscaping for pathways etc which encroaches beyond the footprint of the original building onto the green belt. The</p>

	<p>principal of non encroachment was a major stipulation and required condition of the original approval granted. The significant increase in fenestration on all elevations and specifically the addition of first floor windows on the east and west elevations will both deviate from the character of the building and have privacy implications for neighbouring properties. It should be noted that during the original approval process two applications similar to this latest one now proposed were submitted in June and July 2016 and deemed to be unacceptable and/or inappropriate. These were withdrawn based on the advice and requirement of Dacorum Planning, together with objections by Flaunden Parish Council and other interested parties at the time. Details of these, together with the currently approved elevations, are attached below. This latest proposal is, therefore, returning to fenestration configurations that have already been rejected as unacceptable.</p> <p>As well as the encroachment onto green belt beyond the original building footprint previously mentioned, this change to the west side elevation would also be harmful to the established tree line, protected under the conditions of the initial approval, which is immediately adjacent to this side of the building. The requirement for pathway footings and resulting hard standing pathway area would similarly be damaging to the trees which provide privacy screening for neighbouring properties as well as being a long established natural feature of the landscape. Additionally, the siting of a front door on this elevation will bring with it additional external lighting not in keeping with the minimal change, both to the green belt and neighbouring properties, envisaged under the initial approval. The addition of large first floor windows will also encroach on neighbouring property privacy as well as detracting from the core requirement of the current approved application, namely to allow a conversion that had minimal changes to the original building in keeping with its green belt location. This was clearly accepted and outlined in the Design and Access statement of the currently approved application that stated;</p> <p>"The proposed fenestration would take a design and proportionally theme from those encountered elsewhere within the building to ensure that the building maintains its simple utilitarian character."</p> <p>On this basis, I therefore object to this latest proposal.</p>
<p>Flaunden House Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PW</p>	<p>Please note that the builders have already started incorporating proposed, but not approved, changes to the plans.</p> <p>I wish to make the following comments on this proposal:</p> <p>If the roofline of Barn 1 is raised by 1.6 metres, this will significantly increase the building's overall volume, resulting in greater impact on the surrounding green belt and privacy of neighbouring properties and surrounding vegetation.</p> <p>The increased pitch will result in neighbouring homes being overlooked due to the new angle of the roof lights; this will have an impact on the privacy of those properties.</p> <p>The south elevation amendment would have four windows on the first</p>

floor overlooking Flaunden House and our back garden. This too will impact our privacy. The original approved plan had windows only on the ground floor, and nothing at first floor level.

The west elevation amendment would have the front door sited on that elevation - this would be very close to the trees, which are supposed to be protected for neighbours' privacy, and any pathway to this new door would probably damage those trees.

I therefore wish to object to these proposals.

Item 5e 20/00593/FUL

Change of use from dwellinghouse (use class C3) to children's care home (use class C2)

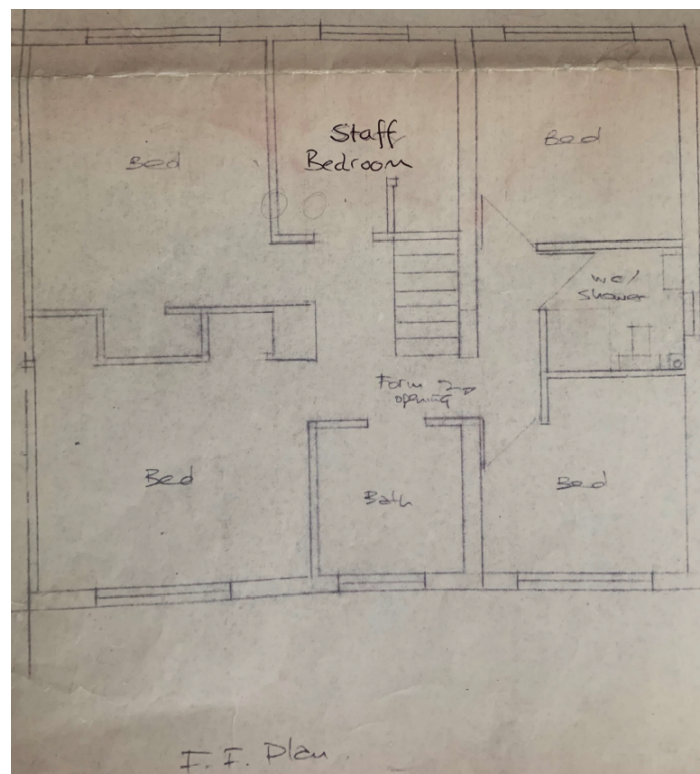
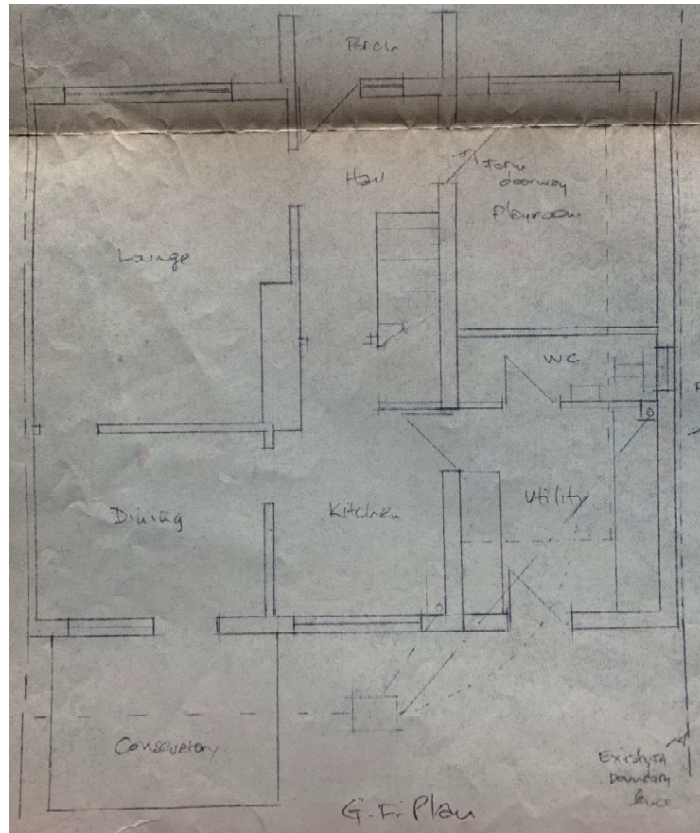
27 Eight Acres, Tring, Hertfordshire, HP23 5DB



Item 5e 20/00593/FUL

Change of use from dwellinghouse (use class C3) to children's care home (use class C2)

27 Eight Acres, Tring, Hertfordshire, HP23 5DB



ITEM NUMBER: 5e

20/00593/FUL	Change of use from dwellinghouse (use class C3) to children's care home (use class C2)	
Site Address:	27 Eight Acres Tring Hertfordshire HP23 5DB	
Applicant/Agent:	Mr Stacey	
Case Officer:	Sally Robbins	
Parish/Ward:	Tring Town Council	Tring Central
Referral to Committee:		

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

2.1 The application property is located in a residential area of Tring, wherein appropriate residential development is acceptable. A care home facility for 4 school-aged children is considered to be compatible with the local character and is in a prime location for accessibility to public transport, facilities and local amenities. There would be no physical alterations to the property and minimal intensification of use in comparison to the existing use as a dwellinghouse. There is policy support for this type of social infrastructure, particularly in residential locations. The proposal is compatible with the surrounding area and in accordance with Policies CS4, CS12, CS18 and CS23 of the Core Strategy (2013) and Saved Policy 15 of the Dacorum Borough Local Plan (2004).

3. SITE DESCRIPTION

3.1 The application site is located on the southwest side of Eight Acres in Tring. The site comprises a two storey semi-detached dwelling with a private garden and garage to the rear. The surrounding area is residential and characterised by two storey terraced and semi-detached dwellings.

4. PROPOSAL

4.1 The application seeks full planning permission for the change of use from dwellinghouse (C3) to residential care home for children (C2). The Ofsted registered care home would cater for 4 school-aged children (from age 8 up to 18) who are in the care of the local authority. The children would be looked after by team of care staff working in a shift rota with 3 members of staff at the home during the daytime and 1 member of staff sleeping at the care home overnight. The care home would be managed and staffed at all times.

4.2 There would be no external alterations to the building. Internally, the existing 4 bedrooms would be used by the resident children and the study would be repurposed as a staff bedroom.

5. PLANNING HISTORY

4/01962/00/FHA - Two storey side extension
GRANTED - 26th January 2001

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
CIL Zone: CIL2

Parish: Tring CP
RAF Halton and Chenies Zone: Green (15.2m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
Residential Area (Town/Village): Residential Area in Town Village (Tring)
Town: Tring

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS18 - Mix of Housing
CS23 - Social Infrastructure

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

Principle of Development
Quality of Design / Impact on Visual Amenity
Impact on Residential Amenity
Impact on Highway Safety and Parking.

Principle of Development

9.2 The application site is located in a residential area of Tring, wherein appropriate residential development is encouraged under Core Strategy (2013) Policy CS4.

9.3 Regarding housing mix, paragraph 14.26 of the Core Strategy states that the Council will permit appropriate schemes for new accommodation, stating that the County Council has indicated that there will be accommodation needs for people in younger age groups, particularly for supported housing (e.g. special needs housing, short term hostels etc).

9.4 Policy CS18 of the Core Strategy (2013) goes on to highlight the need to provide a choice of homes, to include a range of housing types, sizes and tenure.

9.5 Children's care homes are classed as social infrastructure. Policy CS23 of the Core Strategy (2013) states that social infrastructure providing services and facilities to the community will be encouraged.

9.6 With respect to the loss of a dwelling, Saved Policy 15 of the Local Plan (2004) seeks to retain housing, however one of the exceptions to the loss of dwellings in residential areas is where essential small scale social facilities would be provided.

9.7 Taking all of the above into account, it is considered that the proposed change of use to children's care home in this location has policy support and is acceptable in principle.

Quality of Design / Impact on Visual Amenity

9.8 There are no external alterations proposed. The surrounding area is residential in character and, as there would be no physical changes to the dwelling, the proposal will not have a detrimental impact on the character and appearance of the existing house or surrounding area. The proposal complies with Policy CS12 of the Core Strategy (2013) in that regard.

Impact on Residential Amenity

9.9 Policy CS12 of the Core Strategy states that developments should avoid disturbance and loss of privacy to the surrounding properties. Paragraph 127 of the NPPF (2019) seeks to ensure a high standard of amenity for all existing and future users.

9.10 Objections have been received from two local residents in relation to a number of issues, including: noise and disturbance; loss of privacy; potential anti-social behaviour; location close to a school; potential to devalue neighbouring properties; and access and parking. One of the objectors also stated that the site is the wrong location to put an institution for boys/men and that there is a lack of housing within Tring so this should remain private accommodation. Tring Town Council has also objected to the proposal on the grounds that the location is unsuitable and would result in a loss of amenity to neighbouring properties.

9.11 Some of the concerns raised seem to result from a misunderstanding of the proposal. The proposal is to provide a care home for school-aged children (rather than young adults in supported housing, as suggested by one of the objectors). The Ofsted age group for residential homes is from age 8 up to the young person's 18th birthday. In terms of the location of a residential care home for school-aged children, it is considered that a residential area is the most appropriate location. Furthermore, the location close to a primary school is seen to be a benefit. There may be a lack of housing in Tring, however there is also a need for a caring home environment for children who are the responsibility of the local authority. The devaluing of neighbouring properties is not a material planning consideration.

9.12 Regarding noise and disturbance, in terms of people and vehicle movements, the applicant anticipates that the shift rota will work as follows: 3 care workers will work from 7.30am until 3.30 pm; followed by 3 further care workers covering 3.30pm until 11pm. Overnight there would be 1 care worker sleeping at the care home, who will then work until 3.30pm the following day. The care home

will receive ad hoc visits from a variety of care professionals, such as social workers. The responsibility of managing the care home will lie with a 'Responsible Individual', who is currently the Responsible Individual for two other children's care homes. The applicant has provided the details of these two other care homes (located in Buckinghamshire), along with the Ofsted reports for the care homes. Due to the sensitive nature of the proposal, this information has not been made publicly available.

9.13 It is considered that there will not be a significant increase in the level of people or vehicle movements and the proposal will therefore not have a detrimental impact on the surrounding residential units with respect to noise. Nor would it be markedly different to the typical movements of a family home.

9.14 In terms of noise and disturbance, the Council's Environmental Health Officer has been consulted and, following the provision of a Planning Statement outlining further details of the proposal, has raised no objection. The provision of a care home to accommodate 4 school children is not considered to be incompatible with the surrounding area.

9.15 Taking all of the above into account, it is considered that the proposed development will not detrimentally impact the residential amenity of neighbouring properties, thus is considered acceptable in terms of the NPPF (2019) and Policy CS12 of the Core Strategy (2013).

Impact on Highway Safety and Parking

9.16 Policy CS12 of the Core Strategy (2013) seeks to ensure that developments have sufficient parking provision. Policy CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

9.17 The parking requirement for residential institutions (C2) is 1 space per 5 residents' bed spaces plus 1 space per 2 staff (non-resident). Parking for resident staff is based on the general needs standard.

The requirement would be:

4 residents' bed spaces = 0.8 space
3 non-resident staff = 1.5 spaces
1 resident staff general needs = 1 space

9.18 The total maximum car parking requirement is therefore 3.3 spaces. The development proposes 2 off-street car parking spaces, to be retained as existing. There is therefore a shortfall of 1.3 spaces.

9.19 The existing parking requirement for a 4 bedroom dwelling in this location is 3 spaces. It is therefore considered that there is not a significant difference between the parking requirement for the existing use as a dwelling and that of the proposed use as a care home (difference of 0.3 spaces). Furthermore, the application site is considered to be in an accessible location, situated close to the town centre of Tring, in close proximity to local public transport routes and all of the amenities that the town centre offers. As such, it is not considered that the proposed development would have a negative impact on local parking provision.

9.20 In terms of highway safety, no changes are proposed to the existing parking or access. The proposed development will not have a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Policy CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

Response to Neighbour Comments

9.21 These points have been addressed above.

Community Infrastructure Levy (CIL)

9.22 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable as there would be no additional residential floor space.

10. CONCLUSION

10.1 The impacts of the proposal have been considered in relation to the impact on residential amenity of surrounding units, parking and highway safety. The proposal for the change of use to a residential care home for children in this location is considered to be acceptable and is in accordance with Core Strategy (2013) Policies CS1, CS4, CS8, CS12, CS18 and CS23 and Dacorum Borough Local Plan (2004) Saved Policies 15, 57, 58 and Appendix 5 and the NPPF (2019).

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin 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. 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) the use hereby approved shall be restricted to that of a children's care home for children up to the age of 18 and no other purpose within Use Class C2.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

3. The maximum number of children occupying the premises at any one time shall not exceed 4.

Reason: In the interests of safeguarding the residential amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

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

Location Plan
Site Plan
Ground Floor Plan

First Floor Plan

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

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p>Noise Pollution and Housing:</p> <p>I require further information about the proposed change from a noise perspective. I've noted this is planned to become a children's care home. Noise might a be a potential issue noting the site has an adjoining neighbour and so we need to understand the nature of care being offered, for example children with behavioral problems.</p> <p>Further comments received:</p> <p>Thanks for the additional information.</p> <p>I don't require any further detail and no objections from me on noise grounds.</p> <p>Contaminated Land:</p> <p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p>
Local Parish	<p>Tring Town Council recommends refusal of this application. The dwelling in question is semi-detached in an area of small residential dwellings. Whilst a road runs along to one side, there are dwellings at the end of the property's garden, next to the property, and three dwellings with gardens ending on the other side boundary. Despite the Council supporting the principle of integrating residential institutions into</p>

	the community, this application would appear to be an unsuitable location and cause a loss of amenity to neighbouring properties.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	4	0	2	2

Neighbour Responses

Address	Comments
28 Eight Acres Tring Hertfordshire HP23 5DB	As can be seen my property is the other half of a pair of semi detached houses. I have listed above all the reasons plus it will devalue my property and make it more difficult to sell. This property is for residential not a business and was never designed for such.
27 Eight Acres Tring Hertfordshire HP23 5DB	<p>Following the letter of objection from 53 & 28 Eight Acres, please see my detailed response below.</p> <p>1) this property is right in the middle of a residential Estate</p> <p>This is precisely in line with the current government guidelines for the location of children's care homes. Paragraph 3.9 on page 15 of the Guide to children's home regulations including quality standards (2015) states 'for children's homes to be nurturing and supportive environments that meet the needs of their children, they will, in most cases, be homely, domestic environments....homes should seek as far as possible to maintain a domestic rather than 'institutional' impressions.'</p> <p>2) Previous experience of a similar institution in the town shows the total lack of control by the "carers" as the residents are seen wandering at all hours around the town. On New Years Eve/Day a resident of this other institution tried to gain access to the Conservative club at 2am</p> <p>We understand the home that is being referred to is a place for adults who have a measure of independent living. In contrast our home will be an Ofsted registered care home for children of primary school age. Therefore a comparison cannot be made.</p> <p>3) it is 500 yards from a school.</p> <p>In the case of the home we are proposing this is ideal as the Government guidelines wants children to be brought up in an environment that is as normal as possible rather than in an institutional</p>

	<p>setting. They are encouraged to have friends living nearby so they can socialise outside of school.</p> <p>4) In 2019 a resident of a similar institute in the town was imprisoned for 14 months for having pornographic images of children being abused on his phone.</p> <p>This comment is in no way relevant at all.</p> <p>5) it will devalue my property (I own my property it is no longer council) and make it impossible to sell as I live right opposite no 27. I reside at no 53.</p> <p>There is no evidence from other locations where such homes exist that the property is devalued. The house is still on a predominantly council house estate which already affects the property prices.</p> <p>6)It is totally the wrong place to put this institution. I understand they want to place 5 boys/men as residents when there are families with young children along this road.</p> <p>Factually incorrect and we have no idea where this information has come from. The only confusion we can imagine is that we currently have 3 sons and a friend who lives here which makes 5 men at this address. This is why the location is ideal as the Government want children to be placed where there are families with young children.</p> <p>7) During the summer children play on the communal green right outside this property.</p> <p>This is ideal for small children although we have a back garden for the children to play in and a park close by.</p> <p>8) This application is backed by Buckinghamshire council when we are Hertfordshire, and there is a lack of housing within Tring so this should remain private accommodation.</p> <p>Over 300 new homes are currently being built in Tring. Where the children are sourced from is not a relevant comment. Currently children are placed out of county all the time due to a lack of care facilities. We are aware that recently children from this area were placed in the North East as it was the nearest home for them to be sent to.</p> <p>We appreciate the concerns of our neighbours and hope these comments have put their minds at rest. Based on all this we still believe this is a suitable home which will better the lives of looked after children and will ensure they are placed in the best location.</p>
28 Chiltern Way Tring Hertfordshire HP23 5JX	Support
53 Eight Acres	I strongly object to this application for the following reasons:

Tring
Hertfordshire
HP23 5DB

- 1) this property is right in the middle of a residential Estate
- 2) Previous experience of a similar institution in the town shows the total lack of control by the "carers" as the residents are seen wandering at all hours around the town. On New Years Eve/Day a resident of this other institution tried to gain access to the Conservative club at 2am
- 3) it is 500 yards from a school.
- 4) In 2019 a resident of a similar institute in the town was imprisoned for 14 months for having pornographic images of children being abused on his phone.
- 5) it will devalue my property (I own my property it is no longer council) and make it impossible to sell as I live right opposite no 27. I reside at no 53.
- 6)It is totally the wrong place to put this institution.
I understand they want to place 5 boys/men as residents when there are families with young children along this road.
- 7) During the summer children play on the communal green right outside this property.
- 8) This application is backed by Buckinghamshire council when we are Hertfordshire, and there is a lack of housing within Tring so this should remain private accommodation.

For these reasons I object to this wholly inappropriate planning application

53 Eight Acres

Agenda Item 5f

Item 5f 20/00394/LBC

Replace close-boarded fence and gate due to storm damage

The Old Bakery, 31A Frogmore Street, Tring, Hertfordshire



Ordnance Survey

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The Old Bakery & Almar Farmhouse,
31 & 31A Frogmore Street, Tring

1:2500

Item 5f 20/00394/LBC

Replace close-boarded fence and gate due to storm damage

The Old Bakery, 31A Frogmore Street, Tring, Hertfordshire



ITEM NUMBER: 5f

20/00394/LBC	Replace close boarded fence and gate due to storm damage	
Site Address:	The Old Bakery 31A Frogmore Street Tring Hertfordshire HP23 5XA	
Applicant/Agent:	Mr Hughes	
Case Officer:	Neil Robertson	
Parish/Ward:	Tring Town Council	Tring Central
Referral to Committee:	Contrary view of Town Council	

1. RECOMMENDATION

That Listed Building Consent be granted.

2. SUMMARY

2.1 The submission is a retrospective application for a replacement fence and gate. The applicant states that the previous fence and gate fell over in a storm. The new fence and gate although differing in design are in keeping with the character of the listed building and therefore compliant with Policy CS27 of the Core Strategy and local and national guidance.

3. SITE DESCRIPTION

3.1 The two storey house faces south rather than west to the street. It is thought that the core could date from the 17th century and is timber framed. In the 18th century external brick cladding was added to modernise the house. The structure has changed use a number of times from house to shop and now office use. It has a steeply pitched clay tiled roof to main building. A single storey detached building is located to the north on Frogmore Street. It is constructed in brick with a slate roof. It is 19th century and has recently been refurbished and uses appropriate materials and design details and so sits comfortably in the street.

3.2 There is a short gap between the two buildings which had been infilled with a close boarded fence and single leaf gate. Prior to this the site had been open and our 1992 photos shows the access open with a gate pinned to the wall of the listed building. The previous building can be seen in these photographs.

4. PROPOSAL

4.1 The fence and gate had according to the applicant blown down. It was a very basic close boarded structure which seems to have dated from the time of conversion from shop to office in 2005. It was of no historic or architectural interest. It has been replaced with a low solid timber double leaf gate and short section of close fence. This fence is shorter and slightly lower than the previous fence but of the same design. Both are stained dark brown.

5. PLANNING HISTORY

Planning Applications (If Any):

19/02954/LBC - Renew of timber windows and minor alterations
GRA - 6th March 2020

4/01079/18/TCA - Works to poplar tree
RNO - 22nd June 2018

4/00624/13/TCA - Works to poplar tree (fell to ground level)
RNO - 14th May 2013

4/02344/04/FUL - Change of use to office (b1)
REF - 3rd December 2004

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 3
Area of Archaeological Significance: 10
CIL Zone: CIL2
Conservation Area: TRING
Former Land Use (Risk Zone): Cemetery, Church Yard, Tring
Former Land Use (Risk Zone): Former Malthouse, Akeman Street, Tring
Former Land Use (Risk Zone): Former Smithy, High Street, Tring
Former Land Use (Risk Zone): Cemetery, Church Yard, Tring
Former Land Use (Risk Zone): Works, Church Yard, Tring
Grade: II,
Parish: Tring CP
RAF Halton and Chenies Zone: Green (15.2m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

Town: Tring

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Planning (Listed Building and Conservation Areas) Act 1990 – Section 16(2) and 66(1)
National Planning Policy Framework 2019 – Section 16
Dacorum Borough Core Strategy 2013 – Policy CS27
Dacorum Borough Local Plan 2004 – Saved Policy 119

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- Does the proposal preserve the significance of the listed building and Character of the Conservation Area.

9.2 The previous fence and single leaf gate was not of the highest quality in terms of construction and design detail. It was modern and of minimal architectural merit and no historic merit. It simply provided a solution as a boundary treatment. It is stated by the applicant that it caused anti-social behaviour problems due to providing a dark secluded area close to the town centre. The applicant states a particular problem was drunks urinating behind it within the yard area. It is noted that it was higher than the current structure being of about 1.8m in height. It provided a sense of enclosure to the yard and the street however in our view it did not contribute positively to the character of the conservation area or setting of the listed building.

9.3 This fence and gate blew down in a storm. The applicants replaced this with a lower gate which has a lower solid section and top bar above. There is a short section of lower close boarded fence adjacent to the listed building. All the timber is stained dark brown. This fence and gate lessen the impact on the character and setting of the listed building and conservation area. This is due to its lower height allowing more of the listed building to be seen from the highway. The materials and detailing are of a higher quality than the original. We believe that the new gates and fence are of an appropriate scale, and provide a sense of enclosure to the street.

9.4 I note the Town Council's concern in terms of residents' safety and access to the site. However, we have received no comments from current residents. There is a balance between having a more visible and therefore less secluded yard and a higher gate which prevents views into the site but allows other anti-social behaviour to take place. It is considered that this gate and fence strikes the correct balance between the two positions.

10. CONCLUSION

10.1 To conclude I believe that the proposal preserves the significance of the Listed Building and preserves the character and appearance of the conservation area.

11. RECOMMENDATION

11.1 That listed building consent be granted.

Condition(s) and Reason(s):

1. No Conditions

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Local Parish	Tring Town Council recommends refusal of this application. The gates installed are too small and out of keeping with the scale of the properties. The gates that were replaced gave an uninterrupted connection to the buildings. The height of the replaced gates gave security to the private residents in the complex. When the gates on the car park side are open, the new gates encourages people to cut through to Frogmore Street at any time of day.
Archaeology Unit (HCC)	No Comment

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	0	0	0	0

Neighbour Responses

Address	Comments
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Agenda Item 6

6. APPEALS UPDATE

APPEALS LODGED

Appeals received by Dacorum Borough Council between 15-04-2020 and 11/05/2020

None

APPEALS DISMISSED

Our reference: 4/01824/19/FHA

PINS Reference: APP/A1910/D/19/3244041

Little Farm, 96b, Highfield lane Hemel Hempstead

Procedure: Written Representations

Construction of a coach house to the rear of the site

The main issues are:

- The effect of the development proposal on the living conditions of occupants of No 6 The Grazings with regard to outlook from the conservatory; and
- The effect of the development on the setting of the Grade II Listed Little Farm farmhouse and barn.

Reasons

Living conditions

3. The appeal site includes an area of open land standing in the grounds of a farmhouse and barn in Hemel Hempstead. From the evidence submitted and from my site visit it appears that this area is often used for parking vehicles. It is partially surrounded by a solid wooden fence. To the rear of the appeal site beyond the fence is a modern detached dwelling (No 6 The Grazings) with a conservatory attached.

4. The proposed development comprises a coach house intended to accommodate 4 cars with a loft space above. It would be situated close to the wooden fence and, according to the appellant, would be 8m from the conservatory of No 6. The area of open land is slightly above the level of No 6 and its garden.

5. The catslip roof of the coach house would be steeply pitched. According to the appellant the eaves of the coach house would be 2.4 metres high and the ridge would be 6.1 metres high. It would be about 12-15 metres in length.

6. Concerns have been raised that the proposal would harmfully change the living conditions of the occupants of No 6 by overshadowing the rear of the dwelling and by appearing oppressive when seen from the conservatory.

7. The appellant has included the planting of 3 silver birch trees close to the boundary with No 6 to provide mitigation. I consider that these trees would in the years ahead provide some visual screening of the coach house from the conservatory in spring and summer but little or none in autumn and winter.

8. As regards sunlight and daylight, I find that, because of its position, the proposed coach house would not cause any diminution in levels except possibly in the evenings of high summer. I do not consider that a loss of sunlight for such a short period of the day during such a short period of the year constitutes an unacceptable degree of harm.

9. The development proposal would be outside of the 45-degree lateral taken from the conservatory. Nevertheless, because of its height, its length, the steepness of its roof and its proximity I find that the coach house would be clearly visible from the conservatory and would dominate the outlook. I consider that a building of such size so close to the conservatory would be oppressive to the extent that it would harm the living conditions of the occupants.

10. I am not convinced that any noise buffer effect caused by the coach house would have any material benefit for the occupants of No 6. Thus, I attach little weight to this submission.

11. Consequently, I find that in regard to the first main issue the development proposal, by virtue of its siting, height and elevation, would harm the living conditions of occupants of No 6. Thus, it would not accord with Policy CS4 and Policy CS12 of Dacorum's Local Planning Framework – Core Strategy 2006-31 2013 (CS) which, respectively, require that only appropriate development is permitted in residential areas and that the siting, scale, height, bulk and associated landscaping of new development respects neighbouring properties and does not intrude on the outlook of their occupants.

Setting of the Listed Building

12. The farmhouse and barn were designated as Grade II listed buildings in 1975. The farmhouse is described in the listing as being a 17th century timber frame and red brick 2 storey structure with an attic and tiled roof. It has 2 gable dormers with a wing added in the 20th century. The adjacent barn is also timber framed.

13. I consider that the courtyard to the front and the garden to the back of Little Farm farmhouse contribute to the setting of the farmhouse, whilst the courtyard and the driveway to either side contribute to the setting of the neighbouring barn. From these vantage points it is possible to appreciate the historical lineage of the two structures and their functional inter-relationship.

14. The proposed coach house would be about 20 metres from the farmhouse and adjacent barn. I consider that this level of physical separation combined with its location relative to the farmhouse and barn means that this part of the area of open ground does not contribute to the setting of the listed buildings.

15. I was referred to a decision letter on an appeal issued in March 2007 against the refusal of planning permission for construction of a dwelling closer to the middle of the area of open ground in question 1 .

16. In dismissing that appeal, the Inspector concluded that the area of open ground had a spacious character that was part of the setting of the listed farmhouse and barn. He further considered that given the level of development that had taken place around the farmhouse the protection of the area of open ground became even more important.

17. The proposed coach house would be situated further away from the farmhouse and barn than the dwelling that was refused on appeal in 2007. It would leave most of the ground remaining as open and the setting of the farmhouse and barn unaffected. I consider that the effect of the proposed coach house on the farmhouse and barn would be neutral.

18. Consequently, having regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the proposed development would preserve the setting of Little Farm farmhouse and the neighbouring barn.

19. Therefore, in regard to the second main issue, I find that the proposal comports with Policy CS27 of the CS that requires the protection of heritage assets and with saved Policy 119 of the Dacorum Borough Local Plan 1991- 2011 2004, which requires that every effort should be made to ensure that development does not affect the setting of a listed building. Furthermore, the proposal would accord with the advice set out in Paragraph 193 of the National Planning Policy Framework that new development should not affect the setting of a listed building.

Other Matters

20. I agree that the removal of the 2 car ports would enhance the setting of the listed farmhouse and barn. However, since these are relatively small structures, I do not consider this to be a significant benefit and I attach little weight to it.

21. I also note that the appellant has given an undertaking that local builders would be commissioned to undertake the construction work. Whilst I agree that there would be local economic benefits, I consider that these would be short term and I therefore attach little weight to them.

22. Finally, I note and agree that the development proposal would not diminish the living conditions of any other neighbours around the appeal site.

Planning Balance and Conclusion

23. I have found that the proposed development would not affect the setting of a listed building. However, I have found that it would fail to provide for the satisfactory living conditions of the occupants of No 6, The Grazings as regards outlook from the conservatory. I consider that overall the proposal conflicts with the development plan which is not outweighed by other considerations. For this reason, the appeal should be dismissed.

APPEALS ALLOWED

None

APPEALS WITHDRAWN

None