



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

THURSDAY 28 JANUARY 2021 AT 6.30 PM
MICROSOFT TEAMS - MICROSOFT TEAMS

**This meeting of the Development Management Committee will be held
Remotely via the Microsoft Teams application.**

**Should any members of the public wish to join this meeting, please contact the
Assistant Director (Corporate & Contracted Services) at
member.support@dacorum.gov.uk by 5pm on Wednesday 27th January**

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 Uttley
Councillor Hobson	Councillor Woolner
Councillor Maddern	Councillor Tindall
Councillor McDowell	

For further information, please contact member.support@dacorum.gov.uk or 01442 228209

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting (these are circulated separately)

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
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 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) 20/01843/FUL- Demolition of Garage/Outbuildings and construction of a detached house and carport- 93-95 High Street, Markyate, St Albans, Hertfordshire (Pages 5 - 31)
- (b) 20/01429/FUL Demolition of existing detached house, to be replaced with a new detached home.-Mabuhay, Brownlow Road, Berkhamsted, Hertfordshire (Pages 32 - 58)
- (c) 20/02168/FUL Change of use of amenity land to residential curtilage to allow for vehicular access. Formation of vehicle crossover and block paved parking area.- 13 Sawyers Way, Hemel Hempstead, Hertfordshire, HP2 4ED (Pages 59 - 66)
- (d) 20/02378/FHA Re-cladding of existing two storey ancillary garden building and new velux windows-61 Longfield Road, Tring, Hertfordshire, HP23 4DF (Pages 67 - 78)
- (e) 20/03920/FHA Demolition of existing modern conservatory and erection of single storey extension -5 Manor Close, Berkhamsted, Hertfordshire, HP4 2BJ (Pages 79 - 85)

6. PLANNING ENFORCEMENT REPORT JAN 2021 (Pages 86 - 99)

ITEM NUMBER: 5a

20/01843/FUL	Demolition of Garage/Outbuildings and construction of a detached house and carport	
Site Address:	93-95 High Street Markyate St Albans Hertfordshire AL3 8JG	
Applicant/Agent:	Mr Mark Bristow	Mr Andrew Whiteley
Case Officer:	Briony Curtain	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Contrary views of parish council	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 The site is situated within the large village of Markyate wherein the principle of housing development is acceptable in line with Policies CS1 and CS4 of the Core Strategy 2013. Policy 10 of the DBLP promotes the effective and efficient use of urban land. Therefore consideration of this application rests on appearance, impact on street scene and heritage assets (listed buildings and conservation Area) impact on neighbouring properties and highway safety.

2.2 The development proposed is considered to integrate with its surroundings. The size, scale, design and siting of the property respects its setting and context without causing harm. The proposal would not result in significant material detriment to adjoining residential amenities. The proposals utilise the existing vehicular access point. Given a single unit is proposed, adequate parking is provided and the fact there is no change to existing access arrangements the proposal would not give rise to adverse highway issues.

2.3 The sub-division of the plot is considered to be acceptable and would not have a significant impact upon the character and appearance of the surrounding area or residential amenity of surrounding properties. Sufficient amenity space and residential amenity is provided for future occupants.

The proposed development therefore complies with the National Planning Policy Framework (2018), Policies CS1, CS4, CS10, CS11, CS12, CS17, CS26 and CS26 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99 and 100 and Appendices 3 and 5 of the Local Plan (2004).

3. SITE DESCRIPTION

3.1 The application site is located to the north-eastern side of the High Street in Markyate and comprises a parcel of land to the rear of No.s 93-95. The site is currently very overgrown and comprises a dilapidated outbuilding. The site is only accessed via the rear garden and parking area of No.s 93-95 via an archway onto the main High Street.

4. PROPOSAL

4.1 It is proposed to clear the rear of the site, demolish the outbuilding and construct a single detached dwelling.

5. PLANNING HISTORY

Planning Applications (If Any):

19/02994/FUL - Demolition of garage/outbuildings and the construction of one new detached house and carport

REF - 4th February 2020

4/00784/79 - Historic File Check DMS for Documents and Further Details

DET - 12th July 1979

4/02872/18/FUL - Demolition of garage/outbuildings and construction of three 2 bedroom terraced houses with associated parking

WDN - 11th June 2019

Appeals (If Any):

6. CONSTRAINTS

Area of Archaeological Significance: 2

CIL Zone: CIL3

Conservation Area: MARKYATE

EA: Flood Zone 2

Former Land Use (Risk Zone):

Large Village: Markyate

Listed Building, Grade: II,

Listed Building, Grade: II,

Parish: Markyate CP

RAF Halton and Chenies Zone: Green (15.2m)

Parking Standard: New Zone 3

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:

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
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management

Supplementary Planning Guidance/Documents:

Parking Standards (Supplementary Planning Document (Nov 2020)
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 site is situated within the large village of Markyate, where, in accordance with Policy CS4 of the Core Strategy, residential development would be acceptable in principle subject to a detailed assessment of its impact.

9.3 The site is also situated within Flood Zones 1 (lowest risk of flooding), 2 and 3 (highest risk of flooding). The NPPF makes clear that a sequential, risk-based approach should be taken to the location of development. Para 158 of the NPPF sets out that the aim of the sequential test is to steer development to areas with the lowest flood risk. Development should not be permitted if there are other sites appropriate in the area with a lower probability of flooding (the sequential test).

9.4 The sequential test has been applied and the new dwelling (building) would now be sited within Zone 1 and thereby avoiding areas of the site at higher flood risk (zones 2 and 3). The principle of residential development in this location is thus acceptable subject to a detailed assessment of its impact.

9.5 Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the borough and new dwellings are supported in principle by policy CS18 of the Core Strategy.

9.6 The NPPF encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that is underused or has been previously developed. Saved Policy 10 of the Local Plan (2004) echoes this and seeks to optimise the use of available land within urban areas.

Quality of Design / Impact on Visual Amenity / Heritage Assets

9.7 The overall quantum of the proposed development is considered acceptable. The site is of sufficient size to accommodate the single dwelling proposed with sufficient private amenity space and parking being provided in and around the building.

9.8 Turning to its design and layout the site is located in close proximity to several Grade II listed buildings and within the Markyate Conservation Area. Policy CS27 of the Core Strategy (2013) requires all development to favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and un-designated assets will be protected, conserved and if appropriate enhanced. The NPPF (para 189) makes clear that in determining application the LPA should require applicants to describe the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal. The development involves the demolition of some outbuildings which may be attached / affect the structural integrity of adjacent listed structures / buildings.

9.9 The revised application is now supported by a heritage statement which sets out the significance of surrounding heritage assets and a full impact assessment has therefore been undertaken by the Council's Conservation Officer.

9.10 The Heritage Statement concludes that the proposed development would have a relatively low impact on the adjacent listed buildings and this part of the Markyate Conservation Area. The Council's Conservation Officer agrees with these findings. The development forms backland development and therefore given its setting within the Conservation Area and behind/adjacent to listed buildings should appear modest and subservient when compared to the historic existing houses facing the High Street. The design, detailing and form of the dwelling has been amended since the previous refusals and are now considered acceptable. The development would conserve the character, appearance and special historic qualities of the area. The dwelling is one and a half storeys in height to ensure it does not dominate or distract from the historic high street properties, and the design as amended is acceptable. The materials are sympathetic to the context although additional information is required in relation to the cladding.

9.11 Concern has been expressed by the Conservation Officer in relation to the size and scale of the proposed car port however the applicant is not willing to amend this further and given the concealed position, the structure would not be readily visible from the high street archway. As such it would not have a significant adverse impact on the wider area/street scene/conservation area and it is concluded that a refusal on this point alone could not be sustained.

9.12 The development does not result in harm to the significance of heritage assets. Notwithstanding this in accordance with para 196 of the NPPF even if less than substantial harm were caused, the public benefits the scheme provides, namely the provision of an additional market dwelling would outweigh the very limited harm identified.

9.13 The proposal is considered acceptable in terms of its layout, siting and design and it is concluded to preserve the integrity, setting and distinctiveness of the surrounding heritage assets. The proposals comply with Policies CS11, CS12, and CS27 of the Core Strategy 2013 and section 16 of the NPPF.

Impact on Residential Amenity (surrounding properties and future occupants)

9.14 The additional dwelling would be highly visible from surrounding properties and would permit views over adjacent sites. Concern has been raised by neighbours in relation to overlooking (High Street to the front and Roman Way to the rear). However given its siting and design the proposed dwelling would not result in significant material harm to the residential amenity of existing residents in terms of light, privacy or visual intrusion, especially when compared to existing overlooking levels.

9.15 The dwelling is sited an acceptable distance from both the High Street properties and those to the rear in Roman Way. The front elevation of the new unit would be set just over 23m from the main first floor rear wall of the properties of the High Street which is consistent with Appendix 3 of the Dacorum Borough Local Plan. The rear elevation would be further still from the rear elevations of the Roman Way properties sited directly in front. The separation distance would ensure an acceptable level of privacy is maintained and that the new dwelling would not result in visual intrusion. Some properties adjacent to the site, along the high street have rear ranges which project closer to the proposed dwelling but these either don't have rear facing habitable rooms or feature high levels windows only such that there would be no significant intensification of overlooking levels. Furthermore these windows are sited at an oblique angle rather than directly in front of the proposed dwelling. Given its proximity to the rear range of No. 97 High Street which contains a single high level window to ensure no overlooking it is considered necessary and reasonable to condition that the bottom half (below 1.7 from the floor level) of the front facing master bedroom window be permanently fitted with obscure glass.

9.16 Given the built up setting there is already a high level of mutual overlooking. The rear garden areas and rear facing windows of the High street properties are already overlooked from the application site. As such it is concluded a refusal on these grounds alone could not be sustained.

9.17 Turning to the residential amenity of future occupants, the building is set over 23m away from the main rear walls of existing dwellings to ensure an acceptable level of privacy, each habitable window has an acceptable outlook and aspect, and the property is served by a private, enclosed rear garden which is of functional size and shape to accord with Policy guidelines (exceeding the minimum 11.5m depth required in appendix 3 of the DBLP).

Impact on Highway Safety and Parking

9.18 Given the scale of the development at a single three-bedroom unit, it is concluded that the development would not have a severe residual impact on the safety or operation of the adjacent High Street.

9.19 The new unit would be accessed via an existing vehicular archway to the High Street, which is narrow at only 2.9m wide and given the stagger of the building line has limited visibility in both directions. However Herts County Council (HCC) have raised no objection and consider the intensity of use generated by the single dwelling, compared to the unrestricted current use would not give rise to significant concerns. If to be granted an informative suggesting 'H' markings to the access way should be included as noted by HCC.

9.20 The proposal complies with the Parking Standards Supplementary Planning Document (Nov 2020). The site is located in Zone 3 and provides sufficient on-site parking spaces to serve the 3-bedroom unit proposed. A minimum of 2.25 allocated spaces would be required. Whilst the plans show only 2 off street parking spaces, sufficient space remains to the front of the proposed dwelling to allow turning space to ensure vehicles can enter and exit the site in a forward gear as well as supplementary parking as required to account for the 0.25 shortfall. A condition will be included requiring details of at least one electric charging point. Concern has been raised by locals in relation to the loss of existing parking but it is understood that there are no formal parking spaces serving the high street properties, they have just been allowed to park on this land over the years. Access could be prevented at any time and as such any loss of parking has been given limited weight in current considerations.

9.21 With the inclusion of the conditions as requested by Hertfordshire County Council Highways the proposal would provide sufficient parking provision serve the dwelling and would not result in significant harm to the safety or operation of the adjacent highway.

Other Material Planning Considerations

Trees / Landscaping

9.22 Some existing trees across the site and within adjacent sites will be lost and affected by the proposed new dwelling. A tree report accompanies the submission and sets out which trees would be affected and how those to be retained would be protected during construction. The Council's Woodlands Officer has been consulted and is satisfied that the details submitted are acceptable. The existing trees within the development area are not worthy of retention or protection. A condition will be imposed ensuring the development is constructed in accordance with the submitted details.

Ecology

9.23 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, minimising the impacts on and providing net gains for biodiversity. Policy CS2 states that the Green Infrastructure Network will be protected, extended and enhanced, and that development and management action will contribute towards:

- ☐ the conservation and restoration of habitats and species;
- ☐ the strengthening of biodiversity corridors;
- ☐ the creation of better public access and links through green space; and a greater range of uses in urban green spaces.

9.24 The existing site is overgrown, comprises dilapidated outbuildings and contains numerous trees/shrubs. The site would be cleared as part of the proposals. A Preliminary Ecological Appraisal has been submitted and the County Ecologist is satisfied with its content and recommendations.

9.25 With regard to bats the appraisal found no evidence or the potential for the presence of bats within the outbuildings however since the outbuildings are proposed for demolition, it has been advised that a precautionary approach to the works is taken and an informative added to any permission.

9.26 The submitted Ecology report highlights a potential for the presence of nesting birds and hedgehogs. These species are protected by National legislation and suitable mitigation measures are recommended and should be followed in full. A condition requiring this will be included.

9.27 Lastly with regard to biodiversity the County Ecologist notes '*The proposals will require the removal of a number of shrubs and trees and loss of areas of garden, this will cause a local loss of biodiversity that is not replaced in the proposed plans. The NPPF and emerging legislation provide an increased emphasis on developments delivering a biodiversity net gain. The ecological report, in addition to compensatory nesting boxes for birds, recommends enhancements for birds, bats and hedgehogs. Whilst these are not strictly measures that will increase biodiversity, they do provide ecological opportunities for protected species at a scale proportionate to the development. Consequently, I would support their inclusion in any final approved plans.*' Subject to the inclusion of a compliance condition the proposed development would comply with the NPPF and Policy CS26.

Archaeology

9.28 The site is within an area of Archaeological Significance. The County archaeologist has been consulted and concludes the development is likely to have an impact on heritage assets of archaeological interest. However he is satisfied that the inclusion of pre-commencement conditions

requiring a full WSI would provide the necessary levels of investigation and would be sufficient to safeguard and protect potential heritage assets. The use of pre-commencement conditions has been agreed with the agent.

Contamination

9.29 The application is for the introduction of a residential land use on to a site that has been previously developed and so the possibility of the presence of ground contamination that could adversely impact the proposed development and its future residents cannot be ruled out at this time. However as with archaeology, further investigations prior to the development commencing would need to be undertaken. The Council's scientific Officer is satisfied that conditions requiring full investigations and mitigation / remedial works would be sufficient to ensure any contamination is identified and remediated accordingly.

Flood Risk

9.30 As set out in the principle section above, since the refusal of previous schemes the new dwelling has now been sited wholly within Flood Zone 1 which is at lowest risk of flooding. The proposal therefore complies with the NPPF sequential test in this regard and is acceptable in principle.

9.31 The application is accompanied by a Flood Risk Assessment (FRA) which assesses the impact of the development on flood risk across the site and wider area and goes on to set out mitigation measures to prevent future flooding. The Environment Agency has been consulted and are satisfied with its content and recommendations. Conditions have been requested and it is considered necessary and reasonable to include them.

9.32 Based on the relocation of the building/dwelling to Zone 1 and the submitted FRA the proposal is acceptable and complies with Policy CS31 and the NPPF.

Refuse

9.33 Refuse would be collected from the High Street in the same way that is it currently. Bins would be stored to the front of the dwelling and transported to the high street for collection as per the existing high street properties.

Fire Access.

9.34 Herts Fire and Rescue were consulted and have confirmed that they have no objection to the proposal. Whilst a fire appliance would not be able to access the site due to the restricted cartway/archway the dwelling proposed is located within the specified distance (within 45m of the appliance location).

Permitted Development

9.35 Given the sensitivity of the site, its size and its position in relation to surrounding residential properties careful consideration would need to be given to future development. To enable the Local Planning Authority to retain some control it is considered reasonable and necessary to remove permitted development rights from the dwelling with regards to extensions (Class A and B) roof alterations (Class C) and outbuildings (Class E).

Community Infrastructure Levy (CIL)

9.36 The development is CIL liable and would be chargeable at £131.10 per square metre.

10. RECOMMENDATION

10.1 It is recommended 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. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

BURG/22004/4BEDID

BURG/2207/TOP3

BURG/22012/HEIGHTS1

TPP 93 HSM Tree Survey and Protection Plan

Tree Report, Arboricultural Impact Assessment and Method Statement Notes (ref CAT AW 0278-21.01.2020)

Heritage Statement prepared by AB Heritage (dated 06/07/2020)

Preliminary Ecological Appraisal prepared by Samsara Ecology (dated January 2021)

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

3.
 - (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.

- 4. All remediation or protection measures identified in the Remediation Statement referred to in Condition 3; 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).

- 5. No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:**

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. 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).

6. **i) demolition/development shall take place fully in accordance with the Written Scheme of Investigation approved under Condition 5.**

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 (5) 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).

7. **The development hereby permitted shall be carried out fully in accordance with the submitted Flood Risk Assessment reference RMA-C1995b dated 30th June 2020 and prepared by RMA Environmental and the following mitigation measures it details:**
o Finished floor levels shall be set no lower than 123.72 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS31 of the Core Strategy 2013 and Section 14 of the NPPF.

8. **The development hereby approved shall be constructed fully in accordance with the submitted Tree Report, Arboricultural Impact Assessment and Methodology Notes prepared by C.A.T Landscape Consultancy (dated 21.1.2020) and Tree Protection Plan NO. TPP 93 HSH 01.**

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)

9. **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, Class A, B, C, and E.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential 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).

10. **The development hereby approved shall be constructed fully in accordance with the recommendations and mitigation measures set out in the submitted Preliminary Ecological Appraisal by Samsara Ecology (report date January 2021).**

Reason: In order to ensure that ecological matters are satisfactorily addressed in accordance with Policy CS26 of the Dacorum Core Strategy (2013).

11. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

12. **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;**
 - **any 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.**

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 similar 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).

13. **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).

Informatives:

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

2. Mud on highway
 AN1) 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.

3. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>We welcome the addition of the heritage statement to the proposal. This confirms the importance of the assets impacted and the impact the proposals would have on their importance. This has confirmed that the level of impact would be relatively low.</p> <p>The proposed design, materials and detailing of the new dwelling would be in keeping with the character of Markyate. A great deal of discussion took place during the previous application and we believe that all of the design concerns in relation to the main house have been resolved. Therefore we would not object to the design and detailing of the proposed new dwelling.</p> <p>We have one minor area of concern which is the scale of the proposed car port. We accept the need for a car port/ shed structure for storage to the house. However the current proposal seems somewhat excessive in size and given its position between the proposed house and the existing building it would be recommended that this be reduced.</p> <p>Recommendation The proposed dwelling would be acceptable. External materials and landscape materials and finishes subject to</p>

	<p>approval. The proposed car port should be reviewed and reduced in size to minimise the impact on the designated heritage assets.</p>
<p>Archaeology Unit (HCC)</p>	<p>Thank you for consulting me on the above application. Please note that the following advice is based on the policies contained in the National Planning Policy Framework.</p> <p>This proposed development does not differ in archaeological terms to previous schemes 4/02872/18/FUL and 19/02994/FUL</p> <p>The proposed development area is in Area of Archaeological Significance no. 2, as identified in the Local Plan. This covers historic Markyate which has medieval origins. The proposed development site lies adjacent to Watling Street, a major Roman road from Verulamium (St Albans) to Dunstable. The potential for Roman remains at this location is therefore relatively high, despite the lack of evidence for such remains nearby. There is potential also for early post-medieval remains, as the development will be taking place to the rear of several buildings (such as 93-95 High Street) dating to the 1600s or earlier. It is possible that remains linked to the earlier history of these buildings, such as structures related to backyard craft or industrial activities, may be present. Any medieval or early post-medieval remains identified would be of considerable local heritage value.</p> <p>I believe therefore that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:</p> <ol style="list-style-type: none"> 1) The archaeological monitoring of all groundworks related to the development, including foundation trenches, service trenches, landscaping, access roads and all other ground impact. This should include a contingency for the preservation or further excavation of all remains encountered; 2) the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results; 3) such other provisions as may be necessary to protect the archaeological interest of the site. <p>I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).</p> <p>In this case two appropriately worded conditions on any planning</p>

	<p>consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:</p> <p>Condition A</p> <p>No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:</p> <ol style="list-style-type: none"> 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. <p>Condition B</p> <ol style="list-style-type: none"> i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A. 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 (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. <p>If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work.</p> <p>I hope that you will be able to accommodate the above recommendations. Please do not hesitate to contact me should you require any further information or clarification.</p>
Environment Agency	<p>Thank you for consulting us on the proposed development noted above. We have reviewed the submitted Flood Risk Assessment (FRA) reference RMA-C1995b dated 30th June 2020 and prepared by RMA Environmental.</p> <p>The site of the proposed development is located within Flood Zones 3, 2 and 1. We are pleased to see that a sequential approach has been applied by locating the proposed development where there is the lower risk of flooding (flood zone 1), avoiding therefore the areas within the site at higher flood risk.</p> <p>Environment Agency Position</p> <p>We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on</p>

	<p>this site poses an unacceptable risk to people and we would object to the application.</p> <p>Condition</p> <p>The development shall be carried out in accordance with the submitted Flood Risk Assessment reference RMA-C1995b dated 30th June 2020 and prepared by RMA Environmental and the following mitigation measures it details:</p> <ul style="list-style-type: none"> o Finished floor levels shall be set no lower than 123.72 metres above Ordnance Datum (AOD). <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason To reduce the risk of flooding to the proposed development and future occupants.</p> <p>Advice to LPA/applicant We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.</p> <p>To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful: Department for Communities and Local Government: Preparing for floods http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf Department for Communities and Local Government: Improving the flood performance of new buildings: http://www.communities.gov.uk/publications/planningandbuilding/improvingflood</p> <p>Final Comments</p> <p>Once again, thank you for contacting us. Our comments are based on our available records and the information as submitted to us.</p>
<p>Environmental And Community Protection (DBC)</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 introduction of a residential land use on to a site that has been previously developed and used for the parking and storage of vehicles and as a workshop. As such the possibility of the presence of ground contamination that could adversely impact the proposed development and its future residents cannot be ruled out at this time. Therefore, it is recommended that the following planning conditions are included on the planning permission, should it be</p>

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

	<p>with Core Strategy (2013) Policy CS32.</p> <p>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.</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>Informatives: 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.</p>
Hertfordshire Highways (HCC)	<p>Herts Highways;</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>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.</p> <p>Mud on highway AN1) 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</p>

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

Planning application for demolition of garages & outbuildings and erection of one new detached house and carport at land to rear of 93 High Street, Markyate

The site

The site is located at the rear of 93 High Street. The properties along High Street are terraced properties with vehicular access to the rear. The application states that the site have been used most recently for the parking and storage of vehicles, workshops and as a private amenity area to the north east of the site. No other previous uses are known. The site of proposed development is in an enclosed courtyard to the rear of 93 High Street, which is sub-rectangular in plan and is accessed via a carriage entrance from High Street. The site is relatively flat area with areas of concrete hardstanding.

Planning History

a. A Planning application was submitted early in 2019 for three terraced dwellings and was withdrawn.

b. A second application was issued for one new dwelling in November 2019, but this was ultimately refused permission, but not for highway related reasons.

Accessibility

The site is in a residential neighbourhood.

Capacity and safety;

The level of traffic likely to be generated by the proposed development is unlikely to have any significant impact on the local road network. There are no existing highways safety issues.

Site access and parking

The applicant is not proposing to alter the access or parking. The vehicular access to the site is via narrow archway between number 93 and 97. There are six car parking spaces and has been used for

	<p>many years. Refuse The collection as existing to property 95. Fire Safety. In terms of access to Fire Tender the existing access from High Street is not suitable for a fire tender. However, the development is only few meters distance from High Street and there should be some fire safety arrangements for property 95 which is adjacent to the proposed development. Conclusion The Highway Authority does not wish to restrict the grant of consent subject to the above advisory notes</p> <p>Herts Fire Service;</p> <p>HFRS were asked to consider the access for fire fighting at the above location. Obviously the Cart access would not provide access for an appliance however from the entrance to the property the distance is within the guidance i.e. For dwelling houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling house.</p> <p>As such HFRS have no further comment to make at this stage.</p>
Hertfordshire Property Services (HCC)	<p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone 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. We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department. Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision</p>
Hertfordshire Ecology	Thank you for consulting Hertfordshire Ecology on the above, for which

	<p>I have the following comments:</p> <p>Hertfordshire Environmental Records Centre has no information relating to this site, which is an area of garden in a semi-rural location. The application is supported by a Preliminary Ecological Appraisal by Samsara Ecology (report date January 2021). This found no evidence or potential for the presence of bats within the outbuildings and I have no reason to disagree with this finding. However, since these are proposed for demolition, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.</p> <p>"If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed."</p> <p>The report highlights a potential for the presence of nesting birds and hedgehogs, which seems reasonable. These species are protected by National legislation and suitable mitigation measures are recommended in the report and should be followed in full.</p> <p>The proposals will require the removal of a number of shrubs and trees and loss of areas of garden, this will cause a local loss of biodiversity that is not replaced in the proposed plans. The NPPF and emerging legislation provide an increased emphasis on developments delivering a biodiversity net gain. The ecological report, in addition to compensatory nesting boxes for birds, recommends enhancements for birds, bats and hedgehogs. Whilst these are not strictly measures that will increase biodiversity, they do provide ecological opportunities for protected species at a scale proportionate to the development. Consequently, I would support their inclusion in any final approved plans.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
12	7	0	7	0

Neighbour Responses

Address	Comments
97 High Street Markyate St Albans Hertfordshire	. Both ***** and I would like to raise an objection on the following grounds;

<p>AL3 8JG</p>	<p>1. The size of the property is to large and I can not see any consideration of this point. 2. No consideration has been taken for the nature of the listed buildings that surround 91,93 and 97 High Street. Foundations will impact existing building. 3. Significant loss of wildlife.</p> <p>In discussion with Mark Bristol (T&C) we were sympathetic to a chalet style property similar to 99b that was built by the North's in the Courtyard of 99/97 High Street. What has been submitted is effectively the same template and height of the previous properties. Two stories high and the width of the entire plot. To be clear we would not object to the appropriate sized property that did not impact on our quality of life.</p> <p>The new application was only seen as it was stuck inside the window of 93 High Street. No formal letters have been received at our address which I believe is part of the planning protocol.</p> <p>We would appreciate it if, in full consideration of the PC's village plan written by Shiela Pilkinton, reject this application on the grounds of;</p> <ol style="list-style-type: none"> 1. In filling 2. Impact on a conservation area. <p>additional comments; (and a video recording)</p> <p>a recording from 21st May 2020 of the sheer scale of the wildlife at the rear of 93 High Street, Markyate. This is taken from our bedroom window. This is one of the very few areas with trees along the high street and the loss of this level birdsong would in my opinion be a heinous crime were Thai development to proceed.</p>
<p>Quill House 91 High Street Markyate St Albans Hertfordshire AL3 8JG</p>	<p>I am surprised to see no objections on this site from us or other residents as I know some had sent them. Another resident informed me of this today. If your method of residents concerns being made readily available to view had changed we should have been made aware of it. I also understand that the Heritage Report does not include a Grade 2 listed property which will be greatly affected by this proposed development - surely this needs to be looked in to?</p> <p>As per the previous application we have some concerns with regard to the proposal which we would like to be taken into consideration by the planning committee as follows:-</p> <p>We will lose our privacy; the back of our house & our small garden will be completely overlooked, the development with parking & bin area is very close to our fence. There is a row of conifers which were planted originally when the Roman Way development was granted to provide privacy? How many of these will now be cut down - is the privacy to current residents of no concern?</p> <p>Flooding due to over-development is also a concern to current</p>

	<p>residents & I understand plans were changed to the development due to the flood plains report - flooding & sewerage issues have already been experience by a resident who will be greatly affected by this proposal.</p> <p>The day to day use by the new residents & visitors will undoubtedly cause disturbance & at night with noise & light shining in to living areas & bedrooms. The development is allowing 6 parking spaces obviously due to the footprint of the proposed property being quite substantial; virtually the same as the previous application & the one before that!!</p> <p>Refuse day - due to refuse collectors being unable to access the development what will happen to their bins - they will be left on the High Street outside someone else's property & all day if residents are working - not very aesthetically appealing for the village!!</p> <p>Narrow access will definitely cause problems on the High Street which is already a very congested junction, near a busy shop & bus stop. Also, contractors, vehicles delivering building materials & skip lorries - not all will be able to access the site due to height restrictions in which case some of these vehicles will be parking in the High Street, again inconveniencing current residents.</p> <p>Some of the outbuildings scheduled to be demolished are attached to our property & part of our boundary wall/fence - this has implications @ an inside wall becoming an outside wall. Will developers ensure damp-proof courses will be carried to make these walls 'good'</p> <p>Finally, this is a conservation area but there seems to be more & more developing on any spare piece of land & loss of more green space/s, why?</p> <p>We thank you in advance for taking ours and other residents concerns in to consideration before making a decision</p>
<p>Hope Cottage 87 High Street Markyate St Albans Hertfordshire AL3 8JG</p>	<p>I outline below my objections to this proposal:</p> <p>Given the height of the proposed building and the upper storey side windows on the plans, this will cause a loss of privacy to my garden and possibly also my house (which is also a Listed Building). The overbearing height of the proposed building will also cause visual intrusion and spoil my right to quiet enjoyment of my land under the Human Rights Act.</p> <p>Although not all of the land to be developed is currently green space, the construction of the house and parking spaces will result in less green space in Markyate's conservation area and have a detrimental impact on local wildlife and the environment.</p> <p>Vehicle access and parking is a huge problem in this central part of the High Street, and although parking is being provided, I do not believe there are enough spaces and in addition it is adding to the already heavily congested road.</p>

	<p>The Heritage Statement in the planning application has found that the Conservation Area is deemed to be of Very High Heritage Importance, and Policy 120 Development in Conservation Areas (Dacorum Core Strategy adopted 2013) states that "new developments or alterations or extensions to existing buildings in the conservation areas will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area.... In particular, infilling proposals will be carefully controlled".</p> <p>I do not see anything in the plans which will lead to preservation or enhancement of the conservation area through the proposed construction, and given infilling proposals should be carefully controlled (together with the detrimental environmental impact, vehicle congestion and loss of privacy for neighbours), it is clear that this application should be rejected, as the sole reason for the development is for the development company to make a profit at the expense of the character of the village.</p>
<p>51 Roman Way Markyate St Albans Hertfordshire AL3 8LY</p>	<p>I wish to register an objection to the proposed development as outlined in this application 20/01843/FUL for the following reasons:</p> <p>Firstly, I would like to make reference to the NPPF, which states that</p> <p>'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: 56 a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;'</p> <p>I do not believe that this application has taken any steps to mitigate the harm to the grade II listed building that is situated within the setting of the proposed development. I acknowledge that the grade II listed building is not within the curtilage of the proposed development, but nevertheless, by virtue of scale and massing of the proposed dwelling, this would significantly impact upon the setting of the listed building and would be detrimental to the conservation area of Markyate. It represents development that is not within keeping of the character of the area, and most importantly the application has failed to provide a clear and convincing justification that no harm or mitigation of the harm caused by this development will be minimal, as outlined in the NPPF.</p> <p>No reference has been made to the Design Guidance offered by Dacorum Council: DEVELOPMENT IN CONSERVATION AREAS OR AFFECTING LISTED BUILDINGS. I would like to state that in paragraph 7.7, it outlines that: 'An examination of the site from different viewpoints will give an idea of the sort of development that will fit in, and the appropriate size and bulk of the building.' We have been notified that all the different viewpoints have not been taken into account when</p>

	<p>site visits have been conducted, especially from the back of Roman Way.</p> <p>I have further concerns regarding construction traffic. There is no direct roadside access to the site. The High Street at this point is single file and barely accessible to normal traffic. The rear boundary fronts already congested resident's car parking in Roman Way a road that is certainly unsafe /unsuitable for construction vehicles.</p>
<p>2 Cavendish Road Markyate St Albans Hertfordshire AL3 8PS</p>	<p>Objection, reasons given above.</p>
<p>45 Roman Way Markyate St Albans Hertfordshire AL3 8LY</p>	<p>To whom it may concern,</p> <p>I am writing to complain, yet again, about the proposed development at 93-95 High Street, Markyate, referenced above. I believe this is the second, if not the third application which has been refused yet there is no reference to this that i can find ? Your online site is difficult for the novice to negotiate. But considering this was proposed in June, and we have not been informed, appears a little strange to me.</p> <p>I live at 45 Roman Way and I have not been informed about this new development which, considering you are planning to use the car park directly behind our house as entrance for goods/trade to the property, is unbelievable. Parking in and around Roman Way is a nightmare at the best of times and you are proposing to close a number of these to allow access for goods is amazing. My partner is cabin crew, and as a result often returns home very late at night or even early morning. This has meant that she often has to park some way from our house and at this time of night is often frightening walking back home. As a result we have had to get permission to drop the kerb next to our property so as she always has a parking spot directly outside our house. The entire Roman Way is always difficult to navigate, with vehicles often parked on both sides of the road, therefore getting large trucks carrying tonnes of building equipment will be a nightmare. This also goes for the High Street which is narrow, 2 way and often with parking on both sides.</p> <p>The present elevation from the rear of the proposed property has a number of windows on the first floor and Velux roof windows that will allow views into our garden and even into our lounge as the majority of the rear of our property is glass. This will severely impact on our privacy</p> <p>As I understand it a number of trees may be removed or pollarded which will inevitably cause problems for wildlife. I notice on the planning application that the Tree Surgery section is unavailable at present ! We often see bats at dusk, so need to know if these are a protected species, for example pipistrelles, and where they roost.</p> <p>So in conclusion, the above are my objections to this current application.</p>

	Yours
<p>89 High Street Markyate St Albans Hertfordshire AL3 8JG</p>	<p>I understand that the Applicant made a presentation to Markyate Parish Council on 06/10/20. As objections from neighbours had not been uploaded to the site the PCM may have wrongly assumed that there were no objections.</p> <p>I am concerned that a number of people affected by this development have not been notified and this includes numbers 83, 85, 87 and 87A High Street and the properties overlooking the development in Roman Way.</p> <p>Given the significant impact of this development on Number 93 I would like to point out that Number 93 is owned by the Applicant and Agent and this will explain the absence of any objection from 93.</p> <p>My main concerns/objections to this development are set out below.</p> <p>1. Heritage Statement</p> <p>o A previous application was refused because a Heritage Statement was not included. A Heritage Statement is now available but has failed to provide any form of assessment of my Grade 2 listed building (house and barn), focussing only on the Conservation Area and the listed buildings at 93-99. As the development adjoins my house, garden and barn and all 3 are overlooked the Heritage Statement will need to be updated to include my property as NPPF National Planning Policy 2019 - 189 - requires local planning authorities to request descriptions on the significance of any heritage assets affected by a proposal, including any contribution made by their setting. In the absence of a report the Council will not be able to make a properly informed decision in respect of this planning application.</p> <p>o My property was formerly listed as No. 87 and is C17 or earlier. 87 was formerly the Adze and Compasses Public House and in 1827 became a butcher's shop. The barn to the rear of 89 was the slaughter house and retains the original winch. Access to the barn was via the original carriageway (now 87). The barn has listed building and planning consent to convert to ancillary residential accommodation.</p> <p>o The Heritage statement at 6.2.1 makes no reference to the building with the corrugated roof which adjoins the pathway to the side of the barn - as this building is attached to the boundary wall of a Grade 2 listed building it will be important to ensure that the wall remains in situ and is not damaged in the building works. This should be addressed in the heritage statement.</p> <p>o This development appears to be contrary to Dacorum Core Strategy: Policy CS27: Quality of the Historic Environment which states -</p>

All development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas.

This development will not positively conserve and enhance the appearance and character of the conservation area.

o The application form indicates that the site cannot be seen from a public road, public footpath, bridleway or other public land. That is not the case. The garden backs onto Roman Way where there is a public footpath, road and parking area. Part of the dwelling will also be visible from the High Street.

2. Overlooking/loss of Privacy/visual intrusion/noise

o Under Article 1, Protocol 1 of the Human Rights Act I am entitled to peaceful enjoyment of my home. The proposed development would have a dominating impact on my right to the quiet enjoyment of my property.

o My property has an unusual layout as shown on the site plan. It is the unnumbered property next to 91. The property comprises a 3 bedroom house, a paved courtyard leading into a 40' barn, a small courtyard garden, a pathway behind a garage block and a large rear garden. The house, barn and gardens are all overlooked by the development resulting in a loss of privacy, outlook and light. There will also be overshadowing and noise.

o The revised plan includes an additional first floor bedroom window within 2 metres of my boundary and an additional high level rooflight. Two sets of bi-fold doors to the rear seems unnecessary.

o Vehicles entering and leaving the development late at night and early morning will cause a potential disruption to sleep.

o The proposed building is not subservient to the Listed Buildings to reflect its 'backland' position as indicated in the Heritage Statement. The house is oversized at 208 square metres and spans the width of 3 of the houses it will overlook. Taking into account its size, its close proximity to the row of historical houses and the large number of windows to the front, side and rear of the house it will dominate the surrounding properties and not be in keeping with the conservation area.

o Screening of Trees in front of the parking area may help to minimise the issues regarding outlook and loss of privacy. Raising the fencing level to a minimum of 2 metres would assist regarding privacy and security. A reduction in the size of the development would lessen the impact of noise and provide greater scope for landscaping.

3. Parking and Impact on Highway Safety

	<ul style="list-style-type: none">o Access to the development is extremely limited via a narrow entrance with restricted head height. Lorries containing building materials and equipment would either have to park on the high street causing obstruction or gain access via Roman Way causing potential loss of car parking to those residents. The Tree Survey suggests that access would be made via Roman Way and the affected residents have not been consulted.o At peak travel times having a number of additional cars entering and leaving the new development will exacerbate the existing traffic problems in the village. <p>4. Flood/Sewerage Risk</p> <ul style="list-style-type: none">o The development has been moved forward to avoid falling within the level 3 flood risk. This must present an increased risk of flooding/sewerage to our properties and I am not satisfied that this has been fully addressed. <p>5. Conclusion</p> <p>I object to the size and position of the proposed development for the reasons set out above and would like the Heritage Statement to be updated to include my property. I would also welcome the opportunity of a site visit so that I can illustrate my objections at first hand.</p>
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Agenda Item 5b

ITEM NUMBER: 5b

20/01429/FUL	Demolition of existing detached house, to be replaced with a new detached home.	
Site Address:	Mabuhay Brownlow Road Berkhamsted Hertfordshire HP4 1HB	
Applicant/Agent:	Mr Julian Hearn	
Case Officer:	James Gardner	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted Castle
Referral to Committee:	Contrary views of Berkhamsted Town Council	

1. RECOMMENDATION

That planning permission be **GRANTED**.

2. SUMMARY

2.1 The principle of a replacement dwelling is acceptable in this area in accordance with Policy CS4 of the Dacorum Core Strategy.

2.2 In terms of heritage impacts, the proposed design is suitable and would not be harmful to significance of the nearby Scheduled Ancient Monument or the setting of the Berkhamsted Conservation Area, thereby complying with Policy CS27 of the Dacorum Core Strategy.

2.3 The design respects the rhythm of the street and would satisfactorily integrate with the streetscape character, in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy.

3. SITE DESCRIPTION

3.1 The application site comprises of a two-storey, detached dwellinghouse and associated curtilage, which occupies a large plot on the westernmost side of Brownlow Road, Berkhamsted.

4. PROPOSAL

4.1 Planning permission is sought for the demolition of the existing dwelling and the construction of a replacement dwelling.

5. PLANNING HISTORY

Planning Applications (If Any):

Appeals (If Any):

6. CONSTRAINTS

Area of Archaeological Significance: 21

CIL Zone: CIL1

Conservation Area: BERKHAMSTED

Former Land Use (Risk Zone):

Parish: Berkhamsted CP

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

RAF Halton and Chenies Zone: Yellow (45.7m)

Railway (100m Buffer): Railway: 100m buffer

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

Residential Character Area: BCA13

Parking Standard: New Zone 3
EA Source Protection Zone: 3
EA Source Protection Zone: 2
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 Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Borough Council Core Strategy (2013)

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
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 - Air, Soil and Water Quality
CS35 - Infrastructure and Developer Contributions

Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land
Policy 12 - Infrastructure Provision and Phasing
Policy 13 - Planning Conditions and Planning Obligations
Policy 15 - Retention of Housing
Policy 18 - The Size of New Dwellings
Policy 51 - Development and Transport Impacts
Policy 100 - Tree and Woodland Planting
Policy 118 - Important Archaeological Remains
Policy 120 - Development in Conservation Areas

Saved Appendix 3 - Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents

Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Parking Standards Supplementary Planning Document (2020)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

Principle of the development;
Impact on Significance of Heritage Assets
Quality of Design / Impact on Visual Amenity
Impact on Amenity of Neighbours
Highway Safety and Parking Provision

Principle of the Development

9.2.1 Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

9.2.2 The principle of the development is therefore acceptable, subject to the satisfying of other material planning considerations.

Impact on Significance of Heritage Assets

9.3.1 The application site is located immediately adjacent to the Berkhamsted Conservation Area. Accordingly, the local planning authority is required to have regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that “...*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.

9.3.2 Paragraph 193 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, ‘great weight’ should be given to the asset’s conservation. Paragraph 195 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 196 states that this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The NPPF therefore does allow for a degree of harm to a heritage asset in particular circumstances.

9.3.3 Policy CS27 of the Dacorum Core Strategy is an overarching heritage policy which seeks to ensure that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and, if appropriate, enhanced, with development positively conserving and enhancing the appearance and character of the Conservation Areas. This is supported by saved Policy and 120 of the Dacorum Local Plan, which relates specifically to development affecting conservation areas.

9.3.4 Policy 120 of the Dacorum Local Plan requires new development in conservation areas to be carried out in a manner which preserves or enhances its established character or appearance. It further states that each scheme will be expected to respect established patterns of development, utilise materials and design details which are traditional to the area, and be sympathetic to the scale, form, height and overall character of the surrounding area.

Impact on Setting of Berkhamsted Castle

9.3.5 The setting of the castle has changed considerably since its construction in the 11th century. The London and Birmingham Railway (now the West Coast Main Line) arrived in the late 1830s and resulted in the destruction of the castle's gatehouse. Residential dwellings began to be constructed to the west of the castle during the inter-war period, with the application dwelling dating to the second half of the 20th century.

9.3.6 The massing of the replacement dwelling would be similar to that of the existing dwelling. It would therefore continue to be visible from Berkhamsted Castle. The Heritage Statement submitted in support of the application includes a number of photographs of the current dwelling from various vantage points within the castle grounds, which are then followed by visual representations of the proposed dwelling from the same perspectives. By utilising a palette of dark materials at first floor level and above, it would be possible to reduce the prominence of the building.

9.3.7 Freehand flint work would be used at ground floor level – a direct reference to the curtain walls of the castle – with Zinc cladding at first floor and roof level; which, it is considered, would introduce an interesting juxtaposition. Timber accents and aluminium window frames are also shown on the plans, the former being a reference to the timber used in the castle's construction. Whilst the use of aluminium window frames has no corollary in terms of the castle, it would nonetheless allow for considerably slimmer profiles and therefore reduce the prominence of the building.

9.3.8 Schedule 4, Paragraph (r) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the local planning authority to consult Historic England where an application would affect the site of a scheduled monument. Historic England have been consulted on two occasions during the course of this application. In the first instance, they were of the view that insufficient information had been provided in order for an objective assessment to be made.

9.3.9 The most recent comments from Historic England are based on an updated Heritage Statement. Given the sensitivity of the site and the concerns raised by Berkhamsted Town Council, Historic England's comments have been provided in full for ease of reference:

The revised Heritage Statement satisfactorily addresses our previous concerns and we now consider that the application meets the requirements of paragraphs 189, 194 and 196 of the National Planning Policy Framework.

The revised Heritage Statement demonstrates that the materials proposed for the replacement dwelling would make the building more visually recessive than the existing house in key views from the Berkhamsted Castle scheduled monument, such as from the top of the motte.

However, the proximity of the proposed development site to the scheduled monument does mean that the replacement dwelling would be clearly visible from within the scheduled monument, particularly from the path along the outer earthwork on its western side. As set out in the revised Heritage Statement, the visual impact of the proposed development, and the resulting level of harm to the significance of the scheduled monument, could be mitigated by appropriate planting in front of the replacement dwelling.

With appropriate mitigation planting in place, Historic England considers that the level of harm to the significance of the Berkhamsted Castle scheduled monument would be towards the lower end of less than substantial harm in terms of the National Planning Policy Framework.

If planning permission is granted we recommend that the requirement to include and retain screening planting in front of the proposed replacement dwelling is included as a planning condition.

9.3.10 It is considered that suitable planting to the front of the dwelling would be sufficient to mitigate the low level of harm identified by Historic England. As the planting would effectively result in no harm to the heritage asset, there is no need for the balancing exercise outlined in the historic environment policies of the NPPF to be undertaken. Details of a suitable planting scheme will be reserved by condition.

Impact on Setting of Conservation Area

9.3.11 The Council's Conservation and Design Officer has seen sight of the plans and provided comments, an extract of which has been reproduced below:

The proposed new dwelling is of a high architectural standard. It has carefully considered the context and has addressed our concerns with the rhythm and the mass we raised at pre application stage. The building is now in scale with regards to both the height and building line in relation to the neighbouring properties. As recommended in the national design guidance there is a clear story which the concept has evolved through to the design proposal.

In relation to the design we warmly welcome the use of freehand flint which would be more in keeping with the materials used in the area. This helps to respond to the context and traditional vernacular character of building within the wider area of Dacorum and root the building in the area. This contrasts with the use of zinc for the first floor and roof and therefore the contrast gives the building an appearance of being of its time when combined with the window openings and use of vertical boarding. Overall we believe that the composition has been carefully considered and would influence the context positively while responding to the vernacular of the area. This is most welcome and would enhance the appearance of the street. Therefore we support the proposals.

The proposal would in our view enhance the setting of adjacent the conservation area by improving the quality of the built environment adjacent to the designated asset. As such we would recommend that the balancing exercise with regards to the framework is not necessary as there is an enhancement to the setting rather than harm being caused.

9.3.12 The design includes a mixture of building materials which complement the character of the area, while enhancing the conservation area through the use of high quality materials and good architecture. The proposal would represent an improvement on the existing dwelling, thereby enhancing the Berkhamsted Conservation Area.

Conclusion

9.3.13 Regard has been had to the statutory tests of preserving or enhancing the character and appearance of Conservation Area under S72 of The Planning (Listed Building and Conservation Areas) Act 1990, which, it is accepted, is a higher duty. It is concluded that no harm would be caused to character and appearance of the Conservation Area, which would be enhanced.

9.3.14 The design and appearance of the proposal is considered acceptable in heritage terms. No harm would be inflicted upon heritage assets and therefore the proposal is considered to accord with Policy CS27 of the Core Strategy (2013) and Policy 120 of the Dacorum Local Plan (2004).

Quality of Design / Impact on Visual Amenity

9.4.1 Policies CS11 and CS12 of the Dacorum Core Strategy state that development should, inter alia, respect the typical density intended in an area, preserve attractive streetscapes, protect or enhance significant views within character areas, and integrate with the streetscape character.

9.4.2 Policy CS12 further states that development should respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials and amenity space.

Internal Environment

9.4.3 The ground floor layout indicates that the living space would be predominantly open-plan within the main core of the dwelling, and served by full height glazing on southern, eastern and western elevations. The effect would be to allow good levels of daylight to enter the building. The entrance hall would be a spacious area and serve as a link to the single-storey wing that projects outward into the garden. At first floor level, the bedrooms would be dual aspect and accessed off a central corridor. The master bedroom would be located in a separate northern wing.

Amenity Space

9.4.4 Saved Appendix 3 of the Dacorum Borough Local Plan states that all residential development is required to provide private open space for use by residents.

9.4.5 Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m. A reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land.

9.4.6 The primary amenity space is shown as being located to the rear and would have a depth ranging from approximately 15 – 18.5 metres (owing to the sight variation in the rear build line and the boundary of the site). By moving the new dwelling closer to the road it has been possible to maximise the use of the rear garden amenity area. It is considered that the garden area is of sufficient depth and width to afford future occupiers a highly functional and pleasant outdoor space.

Street Scene Impact

9.4.7 The proposed dwelling would respect the rhythm of the street by retaining the clear gaps between the respective first floors of the nearby dwellings. Whilst wider than nos. 1 – 4 Brownlow Road, the introduction of a 3.6 metre wide glazed element on the main elevation would reduce the visual impact of the dwelling. The massing is further broken down by a clear dichotomy between the ground and first floors. At ground floor level, freehand flint is the predominant material. A concrete band above the flint work serves as a transition to the zinc cladding at first floor level. The ridgeline is shown as being equalised with that of no. 1 Brownlow Road, the higher eaves representing an approximate mid-point between no. 1 and Fosse House.

9.4.8 It is submitted, therefore, that the proposed design is suitable and would fully accord with Policies CS11 and CS12 of the Dacorum Core Strategy.

Impact on Amenity of Neighbours

9.5.1 Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

Effect on Fosse House

9.5.2 Spacing between the new dwelling and Fosse House (to the south) would be reduced should planning permission be granted for this proposal. However, a separation distance of approximately 6

metres would be retained and, furthermore, Fosse House does not have any primary windows on its flank wall. The small high-level window is understood to be a secondary server for the master bedroom (as shown on plans submitted in support of application 4/02985/18/FHA). There may be a small loss of daylight to this window, but this is not considered to be so severe as to warrant withholding planning permission, especially when consideration is given to the fact that the primary light source is through the front (eastern facing) window. Two-storey built form would not extend past the rear elevation of Fosse House; therefore, there would be no visual intrusion or any potential for loss of sunlight and daylight to habitable windows.

Effect on 1 Brownlow Road

9.5.3 The proposed design includes an elongated single-storey wing, which extends for some 12 metres into the rear garden and is proximate to the boundary with no. 1 Brownlow Road. There are, however, factors which militate against a refusal of planning permission on the basis that there would be an adverse impact on the neighbouring property.

9.5.4 Firstly, as demonstrated on drawing no. 520 22 000 (Rev. P2), by means of excavation the height above ground level would be limited to a mere 2 metres – the average height of a boundary fence. Secondly, a distance in excess of 2 metres would be retained between the wall of the single-storey wing and the boundary.

9.5.5 The limited extent of two-storey development is such that there would be no significant impact on the windows on the rear elevation. In terms of the south facing windows on the flank wall of no. 1 Brownlow Road, these are understood to serve a single aspect bedroom. It is acknowledged that the proposed development would result in two-storey development moving closer to these windows (approximately 9 metres reduced to 6.2 metres), but it should be noted that this distance is broadly similar to that maintained between the first floor windows of nos. 1 and 2 Brownlow Road. Whilst this is not a reason in and of itself to grant planning permission, the context is nonetheless important in setting reasonable expectations in terms of the level of amenity that occupiers can expect to enjoy. It should also be noted that no objections have been received from the neighbouring property.

9.5.6 No windows are proposed at first floor level in the flank wall of the northern elevation of the proposed dwelling, thereby avoiding any loss of privacy.

9.5.7 On balance, the relationship between the proposed dwelling and no. 1 Brownlow Road is considered to be acceptable.

Highway Safety and Parking Provision

Highway Safety

9.6.1 Policy CS12 of the Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

9.6.2 Furthermore, Saved Policy 51 of the Dacorum Borough Local Plan states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

9.6.3 The development site is on Brownlow Road, which is an unnumbered "C" classified local distributor road with a 30mph speed limit. There have been no accidents involving personal injury in the vicinity of the site in the last 5 years.

9.6.4 The site currently has a carriageway access, allowing vehicles to enter and leave the highway in forward gear, which appears to operate without any issues. No new or altered vehicular or pedestrian access to the highway is proposed and no works are required in the highway.

9.6.5 For the avoidance of doubt, the Highway Authority have been consulted on the application and have confirmed that the proposal would not have a severe residual impact on the safety and operation of the adjoining highway, subject to the condition and informatives which have been provided and are included within the relevant section of this report.

Parking Provision

9.6.6 Policy CS12 of the Core Strategy states that on each site, development should provide sufficient parking.

9.6.7 The Dacorum Parking Standards Supplementary Planning Document (2020) was formally adopted by the Council in November 2020. The starting principle is that all parking demand for residential development should be accommodated on site, with departure from the standards only being accepted in exceptional circumstances.

9.6.8 The floor plans submitted in support of this application indicate that the proposed dwelling would have a total of five bedroom – four at first floor level and one within the roof space.

9.6.9 In accordance with the Parking Standards SPD, dwellings containing in excess of four bedrooms are to be assessed on an individual basis.

9.6.10 Whilst the dwelling is located extremely close to Berkhamsted Station, there is no guarantee that future occupiers of the dwelling will be commuters and exclusively use the train for their day-to-day travel. Furthermore, although conceivable, it is unlikely that a dwelling of this size will be occupied by one or two occupants; rather, it is reasonable to assume that it will be occupied by either multi-generational family or a family with a number of children, all of whom will almost certainly become drivers at the appropriate age. As such, it is considered that parking provision for up to five cars would be appropriate in this particular case.

9.6.11 Having reviewed drawing no. 520 10 000 (Rev. P2), it is considered that the requisite number of cars could be accommodated on the spacious site frontage and within the integral garage.

9.6.12 As such, the development is considered to accord with Policy CS12 of the Dacorum Core Strategy and the Parking Standards SPD.

EV Charging

9.6.13 The parking standards SPD requires one active charging point to be provided per house. Details of EV charging have not been provided as part of this application. However, it is considered that this matter can be dealt with satisfactorily by way of an appropriately worded condition.

Other Considerations

Trees and Landscaping

9.7.1 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. Development should also respect adjoining properties in terms of landscaping.

9.7.2 The existing site comprises a mix of both hard and soft landscaping which will inevitably be impacted upon by the proposals. However, it is noted that none of the trees within the application site are covered by a Tree Preservation Orders.

9.7.3 Limited information has been submitted regarding proposed landscaping and as such, it is recommended that the submission and approval of further details be secured through the imposition of a relevant planning condition to ensure that a high-quality finish to the development is achieved.

Archaeology

9.7.4 The site is located within an Area of Archaeological Significance and within close proximity to a Scheduled Ancient Monument (Berkhamsted Castle).

9.7.5 The Historic Environment Unit has been consulted on the application and state that the historic environment record (HER) notes that the site lies adjacent to the Scheduled Monument of Berkhamsted Castle (SAM55, HER39). This dates from the eleventh century and is a rare example of a double-moated castle. Evidence of Bronze Age (HER4251) and Roman (HER1336) activity has also been found.

9.7.6 OS mapping from the nineteenth century appears to show earthworks running into the site, although the HER notes that this has become an area of watercress beds by the time of the 1899 OS map (HER12194). The aforementioned earthworks also appear to have suffered disturbance by the construction of the current houses.

9.7.7 It is therefore considered that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and conditions which secure the submission and approval of a Written Scheme of Investigation and site investigation are recommended to be attached to the decision notice.

Refuse Collection

9.7.8 Drawing No 520 10 000 Rev P2 demonstrates that sufficient refuse and waste receptacles are to be provided to within the north-eastern segment of the site. This location will ensure that waste and recycling can be deposited without an unacceptable carry distance and easily collected by the Council's Refuse Collection Team.

Noise Sources

9.7.9 It is acknowledged that the site is located within the Railway (100m Buffer) constraint due to its proximity to the railway line to the south.

9.7.10 Network Rail have responded to consultation stating that they are aware residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

9.7.11 Similarly, the Council's Environmental Health Officer has stated that to ensure that the new build is appropriate to prevent adverse effect on health and quality of life due to noise they advise that the submission of a ventilation strategy should be submitted to and approved by the Local Planning Authority. Whilst the recommended condition requires the submission and approval of the strategy prior to development, it is considered acceptable for the submission requirement to be amended to allow demolition and groundworks to commence.

9.7.12 This amendment is reflected within the wording of Condition 10 which is contained within the relevant section of this report.

Sustainability

9.7.13 Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible.

9.7.14 It is considered that the development broadly comply with these objectives and given the scale and nature of the proposals, it is considered that this matter can be adequately and appropriately assessed through the Building Control process.

Permitted Development Rights

9.7.15 Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.

9.7.16 It is not considered that the removal of permitted development rights can be justified in this instance.

Land Contamination

9.7.17 Policy CS32 of the Core Strategy states that any development proposals which would 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, heat, light, noise or noxious substances, will not be permitted.

9.7.18 The Council's Environmental and Community Protection Team have been consulted on the application and have stated that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.

9.7.19 This is considered necessary because the application site is on land which was formally a watercress bed and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that planning conditions should be included if permission is granted.

9.7.20 As such, the conditions are recommended within the relevant section of this report.

Source Protection Zone

9.7.21 The site is subject the Source Protection Zones 2/3 designation. However, given the location of the site and the scale of the proposals, the designation and associated considerations are not considered to represent a constraint on the proposed development.

Ecology

9.7.22 Policy CS29 of the Core Strategy states that development should minimise impacts on biodiversity and incorporate positive measures to support wildlife. Furthermore, Paragraph 175 of the NPPF states that development whose primary objective is to conserve or enhance biodiversity should be supported while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.7.23 Hertfordshire Ecology were consulted and noted that:

The property looks to be in good condition with well-sealed roof and ridge tiles, soffits, windows and doors. It appears to be sub-optimal for bats to use for roosting. Given the nature of the site, and lack of apparent characteristics of the building, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination.

9.7.24 As a result, it is considered that an informative advising of the procedure to be followed if bats are discovered during the course of the demolition / construction works will be sufficient in this instance.

9.7.25 A precautionary approach is also advocated in respect of Great Crested Newts in light of the application site being separated from a local wildlife site by a tarmac road, which newts would not favour crossing.

Community Infrastructure Levy (CIL)

The site is situated within Charging Area 1 as defined by the Community Infrastructure Levy Charging Schedule, wherein a charge of £328.74 per square metre applies.

10. CONCLUSION

10.1 The principle of residential development in this area is acceptable subject to compliance with the relevant local and national planning policies.

The design has been well thought out and would respect the streetscape character. It is acknowledged that the site is sensitive given its location opposite a Scheduled Ancient Monument (Berkhamsted Castle) and adjacent to the Berkhamsted Conservation Area. The design responds to these constraints by utilising appropriate high-quality materials that reference the castle. The darker palette of materials (proposed at first floor and roof level) would reduce the prominence of the building. Coupled with a robust landscaping scheme on the frontage, it is considered that there would be no harm to the significance of Berkhamsted Castle and an enhancement to the character and appearance of the Berkhamsted Conservation Area.

Residential amenity of neighbouring properties has been considered, and while there would be some impacts on no. 1 Brownlow Road, this is would not be so harmful as to weigh in favour of withholding planning permission.

Parking is adequately provided for by way of the large forecourt on the frontage and the integral double garage. Details of EV charging will be secured by condition.

The County Ecologist does not consider it likely that the current dwelling is inhabited by bats. No further surveys are therefore required. An informative will, however, be included with any grant of planning permission, which outlines the procedure that must be followed should bats be discovered.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

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:**

**520 00 001 Rev P2 (Location Plan)
520 10 000 Rev P2 (Proposed Site Plan)
520 20 000 Rev P2 (Proposed Ground Floor Plan)
520 20 001 Rev P2 (Proposed First Floor Plan)
520 20 002 Rev P2 (Proposed Second Floor Plan)
520 20 003 Rev P2 (Proposed Roof Plan)
520 21 000 Rev P2 (Proposed Front Elevation)
520 21 001 Rev P2 (Proposed Rear Elevation)
520 21 002 Rev P2 (Proposed Side Elevation)
520 21 003 Rev P2 (Proposed Side Elevation)
520 22 000 Rev P2 (Proposed Sections)**

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

3. **Notwithstanding the submitted details, no development (except demolition and site clearance) 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**
- **retained historic landscape features and proposals for restoration, where relevant.**

The planting must be carried out within one planting season of completing the development. All other approved landscaping works shall be completed prior to first occupation of the development hereby approved.

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 similar 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 Policies CS12 and CS27 of the Dacorum Borough Council Core Strategy (2013).

4. **(a) No development (excluding demolition) 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 demolition and 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 Dacorum Borough Council Core Strategy (2013).

5. Any contamination, other than that reported by virtue of Condition 4 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 Dacorum Borough Council Core Strategy (2013).

6. No below-ground development / excavation shall take place 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 archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
3. The programme for post investigation assessment

- 4. Provision to be made for analysis of the site investigation and recording
County of opportunity**
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

Reason: To ensure that the site's archaeological interests are adequately accounted for in accordance with Policy CS27 of the Dacorum Borough Council Core Strategy (2013).

- 7. All demolition / development shall take place in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under Condition 6.**

Reason: To ensure that the site's archaeological interests are adequately accounted for in accordance with Policy CS27 of the Dacorum Borough Council Core Strategy (2013).

- 8. 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 and publication where appropriate.**

Reason: To ensure that the site's archaeological interests are adequately accounted for in accordance with Policy CS27 of the Dacorum Borough Council Core Strategy (2013).

- 9. Prior to the first occupation of the development hereby permitted the proposed on-site car and cycle parking / servicing / loading, unloading / turning /waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance Saved Policy 51 of the Dacorum Borough Council local Plan (2004).

- 10. No development (except demolition and site clearance) shall take place until a ventilation strategy has been submitted for the approval of the LPA to suitably protect likely future occupiers of new housing from exposure to railway transportation noise ingress in conjunction with adequate ventilation and mitigation of overheating.**

The ventilation strategy should address, but is not restricted to, how:

- **The ventilation strategy impacts on the acoustic conditions and through the provision of any Mechanical Ventilation and Heat Recovery system to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade**
- **Service and maintenance obligations for the MVHR**
- **The strategy for mitigating overheating impacts on the acoustic condition and which includes a detailed overheating assessment to inform this.**

- **Likely noise generated off-site through the introduction of mechanical ventilation, its impact on existing neighbours and any measures to be made to eliminate noise.**

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 ensure matters pertaining to noise are adequately addressed in accordance with Policy CS32 of the Dacorum Borough Council Core Strategy (2013).

11. **No development (except demolition and site clearance) 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. A flint sample panel shall be built on site for approval.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character and historic integrity of the area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Policy 120 of the Dacorum Local Plan (2004).

12. **No development (except demolition and site clearance) shall commence until full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

Informatives:

1. **INFORMATIVES**

Environmental Health

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: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.

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.

Land Contamination

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.

Highway Safety

1. 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.

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

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

3. 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.

Ecology

If bats, or evidence for them, are discovered during the course of demolition, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed.

Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. In the event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>The existing house dates from the second part of the 20th century. It is of no architectural merit although does not particularly stand out. It is of brick with a concrete tiled roof. Therefore we would not object to its demolition. Opposite and of heritage and architectural interest is the Castle. Adjacent are a group of interesting mid 20th century Dutch style houses.</p> <p>The proposed new dwelling is of a high architectural standard. It has carefully considered the context and has addressed our concerns with the rhythm and the mass we raised at pre application stage. The building is now in scale with regards to both the height and building line in relation to the neighbouring properties. As recommended in the national design guidance there is a clear story which the concept has evolved through to the design proposal.</p> <p>In relation to the design we warmly welcome the use of freehand flint which would be more in keeping with the materials used in the area. This helps to respond to the context and traditional vernacular character of building within the wider area of Dacorum and root the building in the area. This contrasts with the use of zinc for the first floor and roof and therefore the contrast gives the building an appearance of being of its time when combined with the window openings and use of vertical boarding. Overall we believe that the composition has been carefully considered and would influence the context positively while responding to the vernacular of the area. This is most welcome and would enhance the appearance of the street. Therefore we support the proposals.</p> <p>The proposal would in our view enhance the setting of adjacent the conservation area by improving the quality of the built environment adjacent to the designated asset. As such we would recommend that the balancing exercise with regards to the framework is not necessary as there is an enhancement to the setting rather than harm being</p>

	<p>caused.</p> <p>In relation to the setting of the castle we would defer to Historic England as it is a Scheduled Ancient Monument. However given that there is now buildings on the site and have been since the second half of the 20th century that we would not consider that there to be any additional harm.</p> <p>Recommendation We would support the proposals and recommend approval as the proposed design would enhance the built environment. External materials subject to approval and it would be recommended that a flint sample panel be built on site for approval.</p>
Parish/Town Council	<p>Objection</p> <p>The scale, mass and bulk of the proposed developed is over dominant and inappropriate for this heritage setting. It is out of keeping with the streetscape and would be viewable from the Castle, which is in the Conservation Area.</p> <p>CS11, CS12 Objection</p> <p>The Committee took note of the caution suggested by Historic England and await their final comments. The scale, mass and bulk of the proposed developed is over dominant and inappropriate for this heritage setting. It is out of keeping with the streetscape and would be viewable from the Castle, which is in the Conservation Area.</p> <p>CS11, CS12, CS 27</p>
Archaeology Unit (HCC)	<p>Thank you for consulting us on the above proposal, which appears to include the construction of a new dwelling largely on the footprint of the existing structure.</p> <p>The historic environment record (HER) notes that the site lies adjacent to the Scheduled Monument of Berkhamsted Castle (SAM55, HER39). This dates from the eleventh century and is a rare example of a double-moated castle. Evidence of Bronze Age (HER4251) and Roman (HER1336) activity has also been found.</p> <p>OS mapping from the nineteenth century appears to show earthworks running into the site, although the HER notes that this has become an area of watercress beds by the time of the 1899 OS map (HER12194). The aforementioned earthworks also appear to have suffered disturbance by the construction of the current houses.</p> <p>I believe that the proposed development is such that it should be</p>

regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological field evaluation of the proposed development site, prior to any development or site preparation commencing.

County of opportunity

2. Such appropriate mitigation measures indicated as necessary by that evaluation.

These may include:

a. the preservation of any remains in situ, if warranted,

b. the archaeological monitoring of demolition of the existing structure(s) from slab level and any "grubbing out" of foundations,

c. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,

d. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of

any remains then encountered),

e. such other provisions as may be necessary to protect the archaeological interests of the site;

3. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results, as appropriate;

4. such other provisions as may be necessary to protect the archaeological and historic interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 199, etc.) of the National Planning Policy Framework, and relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A No demolition/development shall take place/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 archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording

2. The programme and methodology of site investigation and recording

	<p>as suggested by the archaeological evaluation</p> <ol style="list-style-type: none"> 3. The programme for post investigation assessment 4. Provision to be made for analysis of the site investigation and recording <p>County of opportunity</p> <ol style="list-style-type: none"> 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation 6. Provision to be made for archive deposition of the analysis and records of the site investigation 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation. <p>B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)</p> <p>C The development shall not be occupied/used 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 (A) and the provision made for analysis and publication where appropriate.</p> <p>If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.</p> <p>I hope that you will be able to accommodate the above recommendations.</p> <p>Please do not hesitate to contact me should you require any further information or clarification.</p>
Hertfordshire Highways (HCC)	No objection, subject to conditions.
Hertfordshire Property Services (HCC)	<p>Thank you for your email regarding the above mentioned planning application.</p> <p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>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.</p> <p>We therefore have no further comment on behalf of these services, although you may be</p>

	<p>contacted separately from our Highways Department. Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision. I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit. Thank you for your email regarding amended/ additional information relating to the above mentioned planning application.</p> <p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any further comments to make following from our response dated 12/06/2020.</p> <p>You may be contacted separately from our Highways Department.</p> <p>Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.</p> <p>I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.</p>
Network Rail	<p>The council and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings. Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.</p>
Environmental And Community Protection (DBC)	<p>Land Contamination</p> <p>No objections. Standard contaminated land conditions recommended.</p> <p>Noise</p> <p>I note the application above is to demolish the existing house and build a new one in its place. The site is located closed to the mainline of the railway and which represents a potential source of transport noise. To</p>

	<p>ensure that the new build is appropriate to prevent adverse effect on health and quality of life due to noise I would advise the condition below.</p> <p>Suggested Condition - internal noise</p> <p>No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to suitably protect likely future occupiers of new housing from exposure to railway transportation noise ingress in conjunction with adequate ventilation and mitigation of overheating.</p> <p>The ventilation strategy should address, but is not restricted to, how:</p> <ul style="list-style-type: none"> o The ventilation strategy impacts on the acoustic conditions and through the provision of any Mechanical Ventilation and Heat Recovery system to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade o Service and maintenance obligations for the MVHR o The strategy for mitigating overheating impacts on the acoustic condition and which includes a detailed overheating assessment to inform this. o Likely noise generated off-site through the introduction of mechanical ventilation, its impact on existing neighbours and any measures to be made to eliminate noise. <p>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.</p> <p>Reason</p> <p>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.</p>
Historic England	<p>The revised Heritage Statement satisfactorily addresses our previous concerns and we now consider that the application meets the requirements of paragraphs 189, 194 and 196 of the National Planning Policy Framework.</p> <p>The revised Heritage Statement demonstrates that the materials proposed for the replacement dwelling would make the building more visually recessive than the existing house in key views from the</p>

	<p>Berkhamsted Castle scheduled monument, such as from the top of the motte.</p> <p>However, the proximity of the proposed development site to the scheduled monument does mean that the replacement dwelling would be clearly visible from within the scheduled monument, particularly from the path along the outer earthwork on its western side. As set out in the revised Heritage Statement, the visual impact of the proposed development, and the resulting level of harm to the significance of the scheduled monument, could be mitigated by appropriate planting in front of the replacement dwelling.</p> <p>With appropriate mitigation planting in place, Historic England considers that the level of harm to the significance of the Berkhamsted Castle scheduled monument would be towards the lower end of less than substantial harm in terms of the National Planning Policy Framework.</p> <p>If planning permission is granted we recommend that the requirement to include and retain screening planting in front of the proposed replacement dwelling is included as a planning condition.</p>
Historic England	<p>Historic England Advice</p> <p>Significance of the Historic Environment</p> <p>Berkhamsted motte and bailey castle is a well-documented example of a Norman castle with historical records dating from the 12th to the 15th century.</p> <p>Motte and bailey castles are a type of medieval fortification introduced to Britain by the Normans and functioned as military strongholds, aristocratic residences and as centres of local or royal administration. They were generally constructed in strategic positions allowing them to dominate their immediate locality and are the most visually impressive monuments of the early post-Conquest period that survive in the modern landscape. As a class of monuments, they are particularly important for the study of Norman Britain and the development of the feudal system.</p> <p>The Berkhamsted motte and bailey and its defences survive in extremely good condition and will retain considerable potential for the preservation of archaeological and environmental evidence relating to the various stages of development of the castle. The site is publically accessible and in the care and management of the Berkhamsted Castle Trust and English Heritage Trust.</p> <p>Impact of the Proposed Development</p>

The proposed development site lies within the immediate setting of the Berkhamsted motte and bailey castle scheduled monument. Consequently any changes at the proposed development site have potential to impact upon the setting of the monument and cause harm to its significance.

The scale, design and materials of a structure all influence the extent to which it impacts upon the setting of a designated heritage asset such as a scheduled monument. Consequently, any replacement structure that is of a different scale or design, or which utilises different materials has potential to have a different impact upon a heritage asset's setting. This difference means that it cannot be assumed that because a structure already exists at a site that any replacement structure would have the same level of impact on a heritage asset's setting or result in the same level of harm to its significance.

The proposed replacement dwelling is of a different scale, design and materials to that which already exists at the site. Consequently the extent to which the proposed replacement dwelling would impact on the setting on the Berkhamsted Castle scheduled monument and the harm that would arise from that impact need to be fully assessed.

The heritage statement submitted with the current planning application contains only three viewpoints of the proposed development site from within the scheduled monument. It concludes that 'views from centre of castle do not observe Brownlow Road or existing site'.

However, other locations within the scheduled monument do include views of the proposed development site. These include locations elsewhere within the curtain wall, from the motte and from the path along the outer earthwork which lies immediately adjacent to Brownlow Road (c.30m from the proposed development site).

The heritage statement sets out that the design of the proposed development, 'uses materials that reference the castle opposite in a contemporary manner, thus seeking to form a positive relationship with the historic asset'.

The proposed replacement dwelling uses zinc cladding for its first floor and roof. As these form the upper part of the structure, it is likely that they would be the part of the dwelling that would be most visible from the scheduled monument.

When discussing the 'materiality of the proposal', the heritage statement refers only to the freehand flintwork proposed for the ground floor. There is no discussion of the zinc cladding, or of the timber or concrete elements of the proposed dwelling.

The potential visual impact that the use of the zinc cladding on the most prominent part of the proposed dwelling would have on the setting of the scheduled monument is not considered.

The choice of materials for the proposed replacement dwelling, and the

overall increase in its front elevation, mean that it would have potential to affect the setting the scheduled monument and cause harm to its significance.

The choice of materials for the proposed replacement dwelling, and the overall increase in its front elevation, mean that it would have potential to affect the setting the scheduled monument and cause harm to its significance.

Policy Context

Heritage assets, including scheduled monuments, are

'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations' National Planning Policy Framework (NPPF) paragraph 184.

Paragraph 189 of the NPPF establishes that

'local planning authorities should require an applicant to describe the significance of any heritage assets affected' at a level of detail proportionate to the assets' importance and through consultation of the relevant historic environment record and the use of appropriate expertise'.

The NPPF goes on to say in paragraph 190 that,

'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal' and 'take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

When considering the impact of a proposed development upon the significance of scheduled monuments, NPPF paragraph 193 requires great weight to be given to the monument's conservation.

As NPPF paragraph 194 sets out, any harm to the significance of a scheduled monument, including from development within its setting, requires clear and convincing justification irrespective of the level of potential harm.

Where a development proposal would lead to less than substantial harm to the significance of a scheduled monument, NPPF paragraph 196 requires that the harm is weighed against the public benefits of the proposal.

Historic England's Position

Historic England considers that the submitted heritage statement does not meet the requirements of paragraph 189 of the NPPF.

	<p>There is insufficient information in the submitted heritage statement to make an informed assessment of the impact of the proposed development on the setting of Berkhamsted motte and bailey castle scheduled monument and establish the level of harm to its significance that would arise.</p> <p>We consider that a fuller assessment of the impact of the proposed development on the setting of the scheduled monument is necessary. The assessment should include further viewpoints and visualisations of the proposed development and should include more detailed discussion of the visual impact of the proposed choice of materials.</p> <p>The heritage statement should be undertaken with reference to;</p> <p>Historic Environment Good Practice Advice in Planning: 3. The Setting of Heritage Assets (Second Edition 2017).https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets</p> <p>We also recommend that the English Heritage Trust and Berkhamsted Castle Trust are consulted as neighbours to the proposed development site, if this has not already occurred.</p> <p>Recommendation</p> <p>Historic England has concerns regarding the application on heritage grounds.</p> <p>We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 190, 193, 194 and 196 of the NPPF.</p> <p>If no further information or amendments are forthcoming, please treat this letter as an objection.</p> <p>If you have any questions, or we can be of any further assistance, please do not hesitate to contact us.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	1	0	1	0

Neighbour Responses

Address	Comments
<p>Stonycroft 9 Shrublands Road Berkhamsted Hertfordshire HP4 3HY</p>	<p>I write on behalf of the Berkhamsted Citizens Association Townscape Group of which I am Chairman. The Group wishes to OBJECT strongly to this proposed replacement dwelling for a number of reasons, as follows:</p> <ol style="list-style-type: none"> 1 The house it will replace is modest in size and design and does not detract from its setting close to a site of historic significance; or from the houses around it. This replacement in its current form will. 2 The impact on the castle opposite will be deleterious. 3 The materials - especially the zinc roof - are inappropriate. The flint blockwork is not acceptable. 4 The design of the huge rear dormers - 'sheds on the roof' - are overpowering the house itself, as well as the rear view from its garden. <p>Whilst not objecting to replacement dwellings in a modern style per se, the Group would prefer to see a more restrained design which fits with its neighbours and its setting in this prominent position in the historic quarter of Berkhamsted.</p>

ITEM NUMBER: 5c

20/02168/FUL	Change of use of amenity land to residential curtilage to allow for vehicular access. Formation of vehicle crossover and block paved parking area.	
Site Address:	13 Sawyers Way Hemel Hempstead Hertfordshire HP2 4ED	
Applicant/Agent:	Mrs Clare Dempsey	
Case Officer:	Elsbeth Palmer	
Parish/Ward:		Adeyfield West
Referral to Committee:	Due to applicant being a DBC employee.	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The proposed formation of a vehicle crossover and block paved parking area will not result in a loss of visual amenity or a loss of integrity for the Open Land and will not have a negative impact on highways safety or parking.

3. SITE DESCRIPTION

3.1 The site lies on the eastern side of the cul-de-sac Sawyers Way within a designated residential area of Hemel Hempstead. The site comprises a brick two storey mid-terraced dwelling with pebble garden, a footpath and part of the triangular end of a much larger area of open amenity land to the front of the site and within the red line.

5. PLANNING HISTORY

Planning Applications (If Any): NONE

Appeals (If Any): NONE

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

CIL Zone: CIL3

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Green (15.2m)

Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)

Residential Character Area: HCA22

Smoke Control Order

Town: Hemel Hempstead

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

Saved DBLP Policy 116 Open Land

Supplementary Planning Guidance/Documents:

Parking Standards SPD 2020
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 impact on visual amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The site is situated within the town of Hemel Hempstead wherein residential development is acceptable in accordance with Policy CS4 of the Core Strategy.

9.3 Part of the site is also included within the Open Land designation which will be protected from building and other inappropriate development by Saved Policy 116 of the DBLP. The integrity and future of the wider area of open land in which the new development is set must not be compromised.

Impact on Visual Amenity

9.4 The segment of open land to be used as driveway access to No. 13 Sawyers Way is located on the southern end of a large piece of landscaped amenity land. It is not considered that the loss of this small wedge of land adjacent to an existing parking bay for 5 vehicles will result in a significant loss of visual amenity nor will it impact on the overall integrity and future of the wider area of Open Land.

Impact on Highway Safety and Parking

9.5 The Highways Authority has no objection to this proposal subject to the conditions recommended.

Impact on Trees and Landscaping

9.6 No significant trees will be affected by this proposal.

Response to Neighbour Comments

9.7 There was only one neighbour comment which supported the application.

Community Infrastructure Levy (CIL)

9.8 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 not CIL liable due to resulting in less than 100m² of additional floor space.

10. CONCLUSION

10.1 The proposed formation of a vehicle crossover and block paved parking area will not result in a loss of visual amenity or a loss of integrity for the Open Land and will not have a negative impact on highways safety or parking. To conclude the proposal complies with Core Strategy 4, 12 and Saved Policy 116.

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. Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plans drawing number 01 and Location Plan in accordance with the current highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy 12.

- 3. Prior to the first use of the development hereby permitted a visibility splay measuring 2.4 x 43m metres shall be provided to each side of the access where it meets the**

highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

- Prior to the first use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the footpath boundary, 0.65 metres into the site and 0.65 metres along the footpath boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy 12.

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

**Site Location Plan
Driveway Dimension Plan**

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

Informatives:

- 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.
- 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.
- 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.
- Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to

work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	<p>Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>INSERT CONDITIONS</p> <p>1. Prior to the first occupation / use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plans drawing number 01 and Location Plan in accordance with the current highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2. Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.4 x 43m metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway. Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>3. Prior to the first occupation / use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the footpath boundary, 0.65 metres into the site and 0.65 metres along the footpath boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between</p>

0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

INFORMATIVES

1. 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.

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

4. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or

	<p>amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, 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/drop-ped-kerbs/dropped-kerbs.aspx or by telephoning 0300 1234047</p> <p>COMMENTS This application is for: Formation of vehicle crossover and block paved parking area. This amendment submits drawings showing details of the proposed crossover and parking area. The site is located on Sawyers Way, which is an unclassified local access road with a 30mph speed limit. There have been no accidents involving personal injury in the vicinity of the site in the last 3 years.</p> <p>ACCESS A new access is proposed which crosses a public footpath and the highway verge. These areas must be kept clear of all obstructions at all times.</p> <p>PARKING A new parking area is to be constructed in the front garden to allow parking for two cars.</p> <p>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.</p>
Hertfordshire Highways (HCC)	no comments

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
2	1	0	0	1

Neighbour Responses

Address	Comments
15 Sawyers Way	I am more than happy to support this application therefore, I have no

Hemel Hempstead Hertfordshire HP2 4ED	objections to the proposed plans.
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ITEM NUMBER: 5d

20/02378/FHA	Re-cladding of existing two storey ancillary garden building and new velux windows	
Site Address:	61 Longfield Road Tring Hertfordshire HP23 4DF	
Applicant/Agent:	Mr P Mitchell	Mr Nicholas Rowe
Case Officer:	James Gardner	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	Contrary views of Tring Town Council	

1. RECOMMENDATION

That planning permission be **GRANTED**.

2. SUMMARY

2.1 The application is located within a residential area and therefore the principle of development is acceptable.

2.1.1 In design terms it is considered that the cladding would improve the visual appearance of the building and, in so far as the outbuilding is visible from the street scene (which is limited), there would be a benefit.

2.1.2 Given the separation distance, it is not considered that there would be any harm to the residential amenity of neighbouring dwellings as a result of this application.

2.1.3 Hertfordshire Ecology do not believe that there is reasonable likelihood of bats being present within the building, and therefore have simply recommended that an informative be

3. SITE DESCRIPTION

3.1 The application site is located on the north-western side of Longfield Road, Tring, and relates to a 1.5 storey pre-existing outbuilding in the rear garden of no. 61.

4. PROPOSAL

4.1 Planning permission is sought to re-clad an existing two-storey ancillary garden building and the insertion of two Velux windows in the front roof slope.

5. PLANNING HISTORY

Planning Applications (If Any):

4/01814/18/FHA - Conversion of existing two storey workshop to a two storey annex
WDN - 25th October 2018

4/00462/18/LDP - Loft conversion with front, rear and side velux windows and new windows to rear and side elevations
GRA - 27th April 2018

4/02315/17/FUL - Replacement of two storey workshop with 2-bed dwelling
REF - 30th November 2017

4/01576/17/FHA - Extension of existing bungalow to create a two-storey four-bed house

GRA - 3rd August 2017

Appeals (If Any):

4/02315/17/FUL - Development Appeal
- 6th September 2018 (Dismissed)

6. CONSTRAINTS

CIL Zone: CIL2
Parish: Tring CP
Residential Area (Town/Village): Residential Area in Town Village (Tring)
Residential Character Area: TCA2
SPD Zone 3
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 Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction

Dacorum Local Plan

Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents

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 is located within a residential area wherein, in accordance with Policy CS4 of the Dacorum Core Strategy, the principle of appropriate residential development is acceptable subject to compliance with the relevant local and national planning policies.

Quality of Design / Impact on Visual Amenity

9.3 Policies CS11 and CS12 of the Dacorum Core Strategy state that, amongst other things, development should preserve attractive streetscapes, integrate with the streetscape character and respect adjoining properties in terms of materials.

9.3.1 The walls and roof of the outbuilding are currently clad corrugated metal sheeting. The purpose of this application is to replace the metal sheeting with materials of a more domestic appearance - i.e. black composite shiplap cladding, concrete roof tiles and uPVC windows.

9.3.2 The use of composite shiplap cladding is considered more suitable for an outbuilding than brick, which would give the impression of a residence. Indeed, the use of timber-style cladding would be congruent with sheds in the surrounding gardens.

9.3.3 It is considered that the proposed re-cladding would result in a visual improvement to the building and would not have a harmful impact on the street scene or character of the area.

Impact on Residential Amenity

9.4 Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

Loss of Privacy

9.4.1 Since the outbuilding is an ancillary building connected to the lawful residential use of the application site, consideration does not need to be given to any overlooking of no. 61 Longfield Road.

9.4.2 The floor of the upper floor is likely to be such that views of the surrounding gardens would be possible from the proposed Velux windows. However, these garden views would not be materially different to those available from the first floor windows of surrounding properties.

9.4.3 What is of greater relevance is the distance from the outbuilding to rear elevations of the nearest dwellings. Appendix 3 of the Dacorum Local Plan provides the following guidance:

“...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. This distance may be increased depending on character, level and other factors.”

9.4.4 The standard within Appendix 3 provides no guidance in terms of what the minimum separation distance between an outbuilding and a dwelling should be. In general, outbuildings will be used less intensely than dwellings. It follows, therefore, that there may be scope to accept separation distances of less than 23 metres. However, this case is unusual in that the outbuilding is essentially of 1.5 storey construction, with windows proposed at roof level. Furthermore, the floorplans indicate that the room within the roof will be used as an office. Given the recent proclivity for home working, it is therefore not unreasonable to assume that the room may be used intensively. On this basis, it is submitted that a minimum separation distance of 23 metres would strike the appropriate balance.

9.4.5 The site and location plans submitted in support of this application - see drawing no. PL/001 (Rev. B) – show the outbuilding approximately 23 metres away from the outrigger of no. 63 Longfield Road. As a result, it is not considered that the proposal would result in an unacceptable level of overlooking. Should Members be of a differing opinion, it is suggested that a condition requiring the windows to be permanently fitted with obscure glass and non-opening may offer an acceptable solution.

Visual Intrusion

9.4.6 The dimensions of the outbuilding will remain unchanged. The proposal is simply to re-clad the building in order to provide a more appropriate visual appearance. It is not considered that a change in materials would be sufficient to result in visual intrusion.

Noise Pollution

9.4.7 The separation distance from the neighbouring properties is likely to limit any noise transmission which may occur within the outbuilding. This notwithstanding, the use would continue to be domestic in nature and therefore it is unlikely that the renovation of the building and its subsequent use as an office would give rise to any issues in terms of noise and disturbance. In the unlikely event that this occurs, then there would be a means of redress through Environmental Health legislation.

Light Pollution

9.4.8 It should be noted that the application site is located within a town and thus is not an intrinsically dark area such as the open countryside or an isolated hamlet. Furthermore, the roof lights proposed are of modest scale and unlikely to result in significant levels of light being directed toward the windows of nearby dwellings. Indeed, the nature of domestic lighting is such that, with the exception of security lighting, it has a more diffuse quality. The outbuilding is proposed to be used as an office so it is unlikely that it will be internally illuminated throughout the night. Should issues subsequently be raised with regard to light pollution, this is a matter which could be dealt with through Environmental Health legislation.

Loss of Sunlight / Daylight

9.4.9 The outbuilding already exists and the proposal does not include increasing its dimensions. Consequently, there would be no loss of daylight / sunlight to surrounding gardens and dwellings.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.5 Although there are a number of trees in relatively close proximity to the outbuilding, no below-ground development is proposed and therefore no damage to root protection areas would arise.

9.5.1 It is conceivable that works to the roof may necessitate cutting back overhanging branches; however, these trees are not subject to TPOs and can be cut back under common law without the requirement to seek permission from their owner.

Ecological Impacts

9.6 Policy CS26 of the Dacorum Core Strategy states that the Green Infrastructure Network will be protected, extended and enhanced, while Policy CS29 states that impacts on biodiversity should be minimised and positive measures to support wildlife incorporated.

9.6.1 Hertfordshire Ecology were consulted and have confirmed that they are not aware of any existing habitat or species data for this site. They are also of the view that, given the nature of the site and the scale of development proposed, there is insufficient sufficient likelihood of bats being present and affected for the local planning authority to require a formal survey prior to determination. Instead, the following informative is recommended for inclusion with any grant of planning permission:

If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed.

9.6.2 Concerns have been raised from local residents that the proposed development could result in damage to a wildlife corridor. However, no further information in terms of the species affected, or how the proposed development would cause harm, has been provided.

9.6.3 The proposal is simply to replace existing metal sheeting with a composite shiplap cladding, with no excavation being required.

Response to Neighbour Comments

9.7 Concerns have been raised by local residents in connection with the following:

1. Applicant may seek to convert the outbuilding to an independent residential dwelling.
2. Structural integrity of the building may not be sufficient to support the additional weight of the tiled roof.

9.7.1 Each shall be responded to in turn.

- ❑ Planning permission is not being sought to convert the outbuilding to an independent residential dwelling. An application to extend and convert the outbuilding to an independent residential dwelling has previously been refused and dismissed on appeal. The current application differs in a number of ways.
 - A new residential dwelling is not being sought.
 - A two-storey front gable is not proposed.
 - There would be no subdivision of the rear garden.
 - There would be no intensification of use (since it would be ancillary to the main dwelling).
- ❑ If external alterations would be required in order to strengthen the structural integrity of the building, this is likely to require planning permission. This has not been sought as part of this

application so it is assumed that the necessary surveys have been carried out and that this is not necessary.

Community Infrastructure Levy (CIL)

9.8 This application is not CIL liable.

10. CONCLUSION

10.1 The principle of altering an existing outbuilding is acceptable in accordance with Policy CS4 of the Dacorum Core Strategy.

In visual terms the proposal would result in an improvement as compared with the outbuilding's current ramshackle and dilapidated appearance. The use of shiplap cladding would respect the outbuildings in adjoining gardens.

There would be no significant adverse impacts on the residential amenity of the neighbouring properties.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

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:**

PL/001 Rev B
PL/003 Rev C

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

3. **Notwithstanding Section 5 (Materials) of the planning application form, the materials to be used in the construction of the external surfaces of the development hereby permitted shall be fully in accordance with those specified on the approved plans.**

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 CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

Informatives:

1. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the above. I apologise for the delay with this reply.</p> <p>I am not aware of any existing habitat or species data for this site; however, there are records of roosting bats in the area.</p> <p>Given the nature and scale of the site, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. However, I advise a precautionary approach to the works is taken, as bats are known to be in the area, and recommend the following Informative is added to any permission granted:</p> <p>If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed.</p> <p>I trust these comments are of assistance.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
7	9	0	9	0

Neighbour Responses

Address	Comments
58 Longfield Road Tring Hertfordshire	This is a renewed attempt to convert a shed into a dwelling, in a different guise, but the aim is the same. The previous application 4/02315/17/FUL was rejected by Tring, Dacorum and by the Secretary

HP23 4DF	<p>of State on appeal.</p> <ol style="list-style-type: none"> 1. Approval of this tandem planning consent will set a precedent for similar applications within Longfield Road and surrounding roads by introducing a building line at the rear of properties and create opportunities for the re-development of larger properties building between Longfield Road and Beaconsfield Road in an uncontrolled way. This will destroy the character of these roads, increase pressure on parking, increase noise issues and reduce quality of living for current residents. 2. This application does not respect the pattern and character of the surrounding area, and the local plan states that dwellings should normally front the highway. 3. The development of the workshop into a 2 storey house will have a significant visual impact to neighboring properties, reducing privacy and increasing noise & light pollution 4. The application should take into consideration that an application to replace a 2 bedroom bungalow on the same site with a 4 bedroom storey house was approved, and then an application was made for a 2 bed 2 storey house. These two applications should have been considered together, rather than using a fragmented approach, If two properties on this site was the desired outcome then planning should have been sought to build 2 semi-detached houses on the plot of the existing bungalow. This would be far less damaging to the current planning rules instead of the underhand approach here. 5. Parking in front of the proposed converted building at the rear of the plot would be via a narrow access between the existing bungalow and neighboring property. This will increase noise and pollution next to the neighboring properties amenity space. It is likely that difficulty in access to the rear of the property will also lead to cars being parked in the road as has been demonstrated in Longfield Road with other re-developed sites increasing the pressure on parking. 6. The workshop, originally built as stabling has only been used for storage for many years. 7. Such a tandem development could set an unwelcome precedent, in effect creating another road between people's gardens. 8. This redevelopment would have an enormous impact on surrounding properties, reducing their value, taking away privacy, and increasing noise and pollution, especially with cars driving and turning inches from their back gardens. 9. It would also increase traffic and parking pressure in Longfield Road, where these are already a problem. 10. This redevelopment would destroy a valuable wildlife corridor, which was pointed out by Tring Town Council with respect to the previous application. 11. If allowed, this redevelopment would set a dangerous precedent, and the consequences for Tring would be disastrous. Tring would change for ever, and many residents would probably move away, depriving Tring of valued members of its community. <p>In summary, this application should be rejected outright on grounds of overdevelopment.</p>
65 Longfield Road Tring	Having observed numerous attempts by this applicant to misrepresent the status of this building as anything other than a shed, I am firmly

<p>Hertfordshire HP23 4DF</p>	<p>convinced that this application is simply a furtive step towards achieving a residential property at the end of the garden. Such a proposal has already been rejected as inappropriate, and this application should be seen for what it is and rejected accordingly.</p> <p>The Location and site plan is inaccurate in showing a patio where there is a gravelled turning head. (If this is meant to be a proposal, I would welcome it as it would reduce vehicle movements.) A rear fence is shown where there is an adjoining building in the rear neighbour's garden. It is stated in the application that there are no trees within falling distance, whereas in fact there is a large sycamore immediately adjacent and a cupressus in the garden behind. The building has for some time now been used for the storage of goods in connection with a florist's business. Our enjoyment of our garden is reduced by the comings and goings of vehicles along the gravelled drive, some in connection with this unauthorised use. It is not stated whether the intended office and workshop use would be for the benefit of 61 Longfield Road or for a third party. If the latter, it would be likely still further to increase the number of vehicle movements, which would adversely affect our amenity.</p>
<p>53 Longfield Road Tring Hertfordshire HP23 4DF</p>	<p>There was an application previously for this building to be converted into a residential dwelling, which was rejected. Have a concern that this new application is one step towards gaining residential permission in the future. Would not object to a single storey development.</p>
<p>Office The Market House 61 High Street Tring Hertfordshire HP23 4AB</p>	<p>The Town Council supported Dacorum Borough Council's decision with regard to the prior application 4/02315/17/FUL for a similar development of this site on the basis that the proposal would result in a cramped form of tandem residential development that would not reflect the context and local distinctiveness of the surrounding area or the density, pattern and grain of surrounding built form.</p> <p>As such, it would have resulted in significant harm to the character and appearance of the surrounding area, contrary to policies CS11 and CS12 of the adopted Core Strategy September 2013 the defined Development Principles of TCA2 in the Area Based Policies SPD, and the aims and objectives of the NPPF.</p> <p>Whilst this application is for a workshop, the proposed design would, similarly, be out-of-keeping with the surroundings.</p> <p>The Town Council would also seek, should permission be granted, conditions that would prohibit any proposals for a future change to residential use.</p> <p>The Town Council was also opposed to the application because of the damage it would do to an established wildlife corridor.</p>
<p>45 Beaconsfield Road Tring Hertfordshire HP23 4DW</p>	<p>This application follows on from previously refused applications to convert this outbuilding to a residential property. Our concerns remain that the applicant will seek to convert to residential use despite previous refusals.</p> <p>The current proposal includes the addition of new velux windows which, whilst they do not directly affect ourselves, would result in a</p>

	<p>significant loss of privacy to homeowners at 59 & 63 Longfield Road as they look directly at first floor level into their rear gardens.</p> <p>This application follows on from previously refused applications to convert this outbuilding to a residential property. Our concerns remain that the applicant will seek to convert to residential use despite previous refusals.</p> <p>The current proposal includes the addition of new velux windows which, whilst they do not directly affect ourselves, would result in a significant loss of privacy to homeowners at 59 & 63 Longfield Road as they look directly at first floor level into their rear gardens.</p> <p>The application also states that it has no impact on trees where anybody who has visited the site would realise that there are a number of trees that would be adversely affected by this proposal.</p> <p>We would fully expect this application to be refused.</p>
<p>64 Longfield Road Tring Hertfordshire HP23 4DF</p>	<p>I am confused by the letter sent by Dacorum Council which states that the proposal is for re-cladding and installation of velux windows. On closer inspection of the plans which bear a remarkable similarity to a previous failed planning application it becomes obvious that there is a lot more going on, there is the installation of a new floor and a staircase, this is not mentioned in the letter. Whilst not qualified to comment on the structural strength of the existing roof and wood in the building if there are plans to tile it surely the weight of slates or tiles is considerably more than corrugated steel there at the moment so significant building work would have to be done, this then makes me suspicious that the plans are in fact a return of the previous failed application to turn a large shed into a separate house which could be sold on to a new party. The plans are also inaccurate in stating that there are no trees adjacent to any building when it is obvious to anyone visiting the property there are several. This work would have significant impact on the neighbouring properties as the Velux windows would overlook several houses even if they are frosted as they could be opened. I find it strange that the proposer of this application is prepared to spend large amounts of money on developing what is in essence a shed when a new single storey home office can be purchased for less money and would not require planning permission which again raises suspicion that there are ulterior motives in this development.</p>
<p>63 Longfield Road Tring Hertfordshire HP23 4DF</p>	<p>This is a shame.</p> <p>The building has the potential to be a lovely shed and should be used and restored as such.</p> <p>However, while a workshop may need the roof weather proofed, it does not need to be extended in height and or fitted with new Velux windows, as they are specifically used in residential applications.</p> <p>This is the issue. This is not an application to restore a shed.</p> <p>This is an application to start creating a residential house in the back</p>

	<p>garden of 61 Longfield road.</p> <p>The owners have made this proposal before and it was rightfully rejected. (61a Longfield Road proposal 4/01576/17/FHA I think)</p> <p>This proposal looks basically the same as the 61a Longfield Road proposal (ie a house) rather than a really nice workshop and garage for car storage.</p> <p>If it was a genuine proposal for workshop garage, it would have a large garage door, instead of a domestic style entrance, roof lights not Velux window and no patio area. (Since when does a shed have its own patio!?)</p> <p>So, in my view, this is a proposal to start building a house at the end of a garden, as such it will eliminate any privacy in the adjacent 6 private back gardens, as they will all be overlooked.</p> <p>The eco corridor that runs behind the garden boundary will also be significantly disrupted by any building works.</p> <p>Also, the proposal shows no trees when there are trees on the site.</p> <p>Vehicle movements are already prohibitive and disruptive, (the current owner/developer has four cars (one on the road the other three, plus florist work vans coming and going at all times in the back garden, so I am naturally nervous about any subsequent development undertaken.</p> <p>This is all very disappointing and I would ask that this proposal is rejected.</p>
<p>59 Longfield Road Tring Hertfordshire HP23 4DF</p>	<p>The application to re-clad the existing barn, add a slate roof, double glazed windows and doors is simply the first stage in an underhand attempt to turn an old garden metal shed into a house. The plans don't even attempt to hide this with the addition of a second floor with stairs and roof windows. The finished result would essentially be a tandem house within the garden, which, with some additional stealth planning applications could be converted into a full working house.</p> <p>Approval of this application will undermine the original planning decision to refuse planning for a very similar design and size of house on the footprint of the original metal shed, reference 4/02315/17/FUL. This was rejected at the Dacorum planning stage and also rejected on appeal by the secretary of state.</p> <p>The design proposal leaves no doubt that the intention isn't just to turn the structure into an outside office or gym but into a building that can be lived in as a house, the plans clearly show this. There are various garden buildings in Longfield road used for offices or gyms, but all are single storey unlike the 2-storey proposal. These single storey constructions pose little or no effect on neighbours' privacy.</p> <p>The structure of the barn is fairly simple consisting mainly of metal corrugated sheets over a timber frame. Re cladding and roofing would require additional support to withstand the additional loading. No</p>

	<p>additional support walls or internal supports are mentioned on the application.</p> <p>In summary, this application should be rejected on the grounds that this is an underhand attempt to construct a tandem house where previous planning applications have been rejected outright by Dacorum council and by appeal.</p>
<p>53 Beaconsfield Road Tring Hertfordshire HP23 4DW</p>	<p>as i live at 53 beaconsfield road, the proposed property is directly at the end of my garden (the building is actually attached to our out buildings). i live in a one storey bungalow as i am a wheelchair user with ptsd so privacy is really important and so to approve this planning which will inevitable lead to a private separate dwelling on the site in the not too distant future would mean that i would have a 2 storey house at the bottom of my garden which would mean a total intrusion into our property. many of us have outhouses at the bottom of our gardens in beaconsfield road and longfield road so i'm sure this will lead to over development on both these roads.</p> <p>im not too sure why the applicant has said no to oversized trees in their property or adjoining properties. there are several huge trees a leylandii tree, a yew tree, a laurel tree and a hazel tree to name a few, all having lots of wildlife that live in them. i completely understand that the area we live in has and will be developed more but this application would cause noise pollution, privacy issues, strain on parking and would set the precedent for all of us applying to convert buildings at the bottom of out garden</p>

ITEM NUMBER: 5e

20/03920/FHA	Demolition of existing modern conservatory and erection of single storey extension	
Site Address:	5 Manor Close Berkhamsted Hertfordshire HP4 2BJ	
Applicant/Agent:	Mr & Mrs Gallucci	Mr Daniel Sargeant
Case Officer:	Melissa Martin	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted Castle
Referral to Committee:	Hemel Hempstead Town Councillor related to agent of application.	

1. RECOMMENDATION

1.1 That planning permission be **GRANTED** subject to conditions.

2. SUMMARY

2.1 The principle of residential development is acceptable in this location. The proposed demolition of the existing modern conservatory and the erection of a single storey rear extension will respect and complement the existing dwelling and the surrounding area due to its integrated design and respectful scale. Due to the proposals limited visibility from the surrounding area, the proposal would not impact the residential amenity of surrounding properties or the local parking provision.

2.2 Therefore, the proposal is in accordance with Saved Appendix 3 (Layout and Design of Residential Areas) and Saved Appendix 5 (Parking Provision) of the Dacorum Borough Local Plan 2004. The proposed development also complies with Policy CS4 (The Towns and Large Villages), Policy CS11 (Quality of Neighbourhood Design), Policy CS12 (Quality of Site Design) and Policy CS27 (Quality of the Historic Environment) of the Core Strategy 2013, Appendix A (Parking Standards Tables) of the Parking Standards Supplementary Planning Document 2020 and the NPPF 2019.

3. SITE DESCRIPTION

3.1 The application site is located on Manor Close in Berkhamsted. The site comprises of a two storey semi-detached dwelling. The dwelling is located in an area of archaeological significance as well as Berkhamsted Conservation Area. The surrounding area is predominately residential.

4. PROPOSAL

4.1 The application seeks full planning permission for the demolition of the existing modern conservatory and the erection of a single storey rear extension.

4.2 Amended plans have not been required for the proposed works and negotiation with the applicant to seek an acceptable solution has not been necessary for this proposal.

5. PLANNING HISTORY

Planning Applications (If Any):

4/0793/81 - Historic File Check DMS for Documents and Further Details
DET - 10th July 1981

4/02530/07/TCA - Works to trees
RNO - 16th November 2007

4/00632/07/FHA - Conservatory, window alterations and velux roof lights
GRA - 30th April 2007

4/00547/07/FHA - Rear dormer
GRA - 27th April 2007

4/01349/06/TCA - Works to trees
RNO - 21st July 2006

4/00733/96/FHA - First floor side extension
GRA - 26th July 1996

4/00387/93/FHA - First floor side extension
GRA - 3rd June 1993

Appeals (If Any):

6. CONSTRAINTS

Area of Archaeological Significance: 21
CIL Zone: CIL1
Berkhamsted Conservation Area
Parish: Berkhamsted CP
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
RAF Halton and Chenies Zone: Yellow (45.7m)
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
Parking Standards: New Zone 3
EA Source Protection Zone: 3
EA Source Protection Zone: 2

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
CS27- Quality of the Historic Environment
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)
The Planning (Listed Buildings and Conservation Areas) Act 1990

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 in conservation areas;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The dwelling is located within a residential area of Berkhamsted. Policy CS4 of the Core Strategy 2013 states appropriate residential development is encouraged in towns and large villages. As the dwelling is located within Berkhamsted Conservation Area, The Planning (Listed Buildings and Conservation Areas) Act 1990 states the impact of development proposals on local conservation areas must be assessed as required by Section 72(1) of the Act.

Quality of Design / Impact on Visual Amenity

9.3 Policy CS11 and CS12 of the Core Strategy 2013 emphasise the importance of high quality sustainable design in improving and preserving the character of the local area, ensuring development is in keeping with its surroundings in terms of scale, height, bulk and materials. This is supported by Saved Appendix 3 of the Dacorum Borough Local Plan 2004, which states development should respect the character of the surrounding area and there must be adequate space for the proposed development without creating a cramped appearance.

9.4 The dwelling is located within a cul-de-sac, with neighbouring properties comprising of detached and semi-detached dwellings that maintain a uniform design regarding appearance. The application site has a slight variation in appearance compared to its surrounding properties, as a garage is incorporated and attached to the front of the dwelling. This varies from the sites neighbouring properties, however this aspect of the dwelling is not affected or impacted by the proposed works.

9.5 The proposal would see the existing rear conservatory demolished and replaced with a single storey rear extension. The proposed single storey rear extension measures approximately 4 metres in length, 2.3 metres in width and 3.2 metres in height. The proposed works would be constructed within the same elevations as the existing conservatory.

9.6 The roof of the proposed development would comprise of brown interlocking plain tiles and the incorporation of a roof light, while the roof of the existing dwelling comprises of brown plain tiles. The

brickwork proposed for the development would match the brickwork of the existing ground floor level of the dwelling. The windows and doors of the proposed development would comprise of aluminium, while existing windows and doors comprise of wood effect UPVC which are stained timber for the existing conservatory. A sliding door would replace the double doors of the existing conservatory and expand across the majority of the extensions rear elevation.

9.7 The proposed development would be visible from some properties rear windows. These properties are located on Castle Street in Berkhamsted. However, as the proposed development would occur within the existing conservatory's elevations, the proposal would have a limited impact on visual amenity from these properties. The appearance and design of the proposed works would also respect the character of the local area by using materials that are in keeping with the existing dwelling and the surrounding street scene. It is not considered that the proposed works would result in a massing that would be unduly prominent or out of keeping with the character and appearance of the existing dwelling or the surrounding area. Therefore, the scale of the proposed development is considered acceptable.

9.8 Policy CS27 of the Core Strategy 2013 states development will positively conserve and enhance the appearance and character of conservation areas. The proposed development would have a limited impact on the character and appearance of the conservation area, as the proposed materials will match and respect the existing dwelling, ensuring the conservation area is positively conserved.

9.9 The design, layout and scale of the proposed development is considered to respect the existing and surrounding dwellings. The architectural style is sympathetic to the surrounding area, therefore the proposal would not have a detrimental impact upon the character and appearance of the area. Therefore, the proposal complies with policies CS4, CS11, CS12 and CS27 of the Core Strategy 2013, as well as Saved Appendices 3 and 5 of the Dacorum Borough Local Plan 2004 and the NPPF 2019.

Impact on Residential Amenity

9.10 The NPPF 2019 outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Dacorum Borough Local Plan 2004 and Policy CS12 of the Core Strategy 2013 seek to ensure that new development does not result in a detrimental impact upon neighbouring properties and their amenity space.

9.11 No neighbour objections have been received for the proposed development at 5 Manor Close.

9.12 The proposed development would be sited approximately 13 metres from 4 Dean Fry Court and 17 metres from 5 Dean Fry Court and the rear of 9 Castle Street. Aldbury House is comprised of ground floor and first floor office space, therefore this property is not considered with regards to residential amenity. The proposed development would be visible from 4 and 5 Dean Fry Court and from the rear of 9 Castle Street. Due to the layout, design and separation distance between the neighbouring properties and the application site, the proposed development would not harm the residential or visual amenity of surrounding properties with regards to light, privacy or visual intrusion.

9.13 The proposed single storey rear extension would not extend beyond the neighbouring property at No. 4 Manor Close's rear elevation and would be shielded by the existing dwelling. The proposed extension would also not extend beyond the application sites rear elevation. The proposed extension does not occur at the side of the property that attaches to No.4, therefore, there would be an unlikely impact with regards to loss of daylight/sunlight, overlooking or overshadowing.

9.14 Considering the information provided above, the proposal is considered acceptable with respect to the impact on residential amenity of neighbouring properties in accordance with Policy

CS12 of the Core Strategy 2013, Saved Appendix 3 of the Dacorum Borough Local Plan 2004, and the NPPF 2019.

Impact on Highway Safety and Parking

9.15 The proposed development would not result in a change of access or any changes that would affect the adjacent highway. The Parking Standards Supplementary Planning Document 2020 states all parking demand for residential development should be accommodated on site. The site resides within Accessibility Zone 3. The number of bedrooms within the property is unknown, however the proposed development does not alter the number of bedrooms within the property, therefore the parking requirement does not change. The proposed development does not impact car parking provision as sufficient space is provided for off street parking. The garage is retained to accommodate at least one internal parking space. Therefore, the parking requirement for the proposed development is not impacted.

9.16 The proposed development is not considered to have a detrimental impact on the local parking provision, nor would it have an adverse impact on the safety or operation of the adjacent highway. Therefore, the proposal is said to meet the parking standards set out in Appendix A of the Parking Standards Supplementary Planning Document 2020.

Environment and Community Protection

9.17 Environment and Community Protection were consulted and raised no objections on the grounds of land contamination, with no requirement for further contaminated land information to be provided or contaminated land planning conditions to be recommended.

Conservation and Design

9.18 Conservation and Design were consulted as the dwelling is situated within Berkhamsted Conservation Area. Conservation raised no objections to the proposed demolition of the existing conservatory and replacement with a single storey rear extension.

Response to Neighbour Comments

9.19 No neighbour comments have been received in relation to the proposed works.

Community Infrastructure Levy (CIL)

9.20 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. The application is not CIL liable as it would result in less than 100 square metres of additional residential floor space.

10. CONCLUSION

10.1 The proposed development with regards to its design, scale, layout and proposed materials would not have a significant adverse impact on the immediate street scene or residential amenity of neighbouring properties and residents. The proposed development would also have a limited impact on the character and appearance of the Berkhamsted Conservation Area. The proposed development is therefore in accordance with Policy CS4, CS11, CS12 and CS27 of the Core Strategy 2013, Saved Appendices 3 and 5 of the Dacorum Borough Local Plan 2004, the Parking Standards Supplementary Planning Document 2020 and the NPPF 2019.

11. RECOMMENDATION

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

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 constructed in accordance with the materials specified on the application form.**

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 CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

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

Drawing No. 227 pa2.01 (Site Location Plan)
Drawing No. 227 pa2.04 (Proposed Ground Floor & Roof Plans)
Drawing No. 227 pa2.05 (Proposed Elevations & Sections)

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
Conservation & Design (DBC)	There is no conservation objection to the proposed replacement of the rear conservatory with a single storey rear extension as proposed.
Environmental And Community Protection (DBC)	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.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
20	0	0	0	0

Neighbour Responses

Address	Comments
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PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (January 2021)

HEADLINES

1. Since the last update (October 2020) a total of 4 Enforcement Notices have been served. A total of 8 cases have been removed from this list since the last update.
2. The enforcement team have almost completed the geographic area focus which has taken them through the almost 600 open cases across the Borough.
3. The appeal against the telecoms mast on the Leighton Buzzard Road (adj Water Gardens car park) succeeded and the enforcement notice was quashed. The mast has temporary planning permission until 02nd December 2021.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
1	E/06/00470	Land at Hatches Croft, Bradden Lane, Gaddesden Row	Stationing of a mobile home for residential purposes on the land.	12 Sep 08	20 Oct 09	20 Apr 10	No	N/A	Not complied	Successful prosecution, however mobile home remains on site and no land reinstatement has taken place. p/p granted for new dwelling with compliance of EN to follow.
2	E/07/00257	Gable End, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; construction of boundary wall more than 2m high; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Not complied	Crown Court appeal partly successful. Mr Pitblado convicted on one count, Mrs Pitblado discharged. Part II report heard. *Amended planning application submitted (21/00090/RET)*.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
3	E/07/00257	Birch Cottage, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Partly complied	The dwelling has been demolished and the garden use ceased. However, the hardstanding remains. Action dependent on the result of that at Gable End.
4	E/11/00228	342a High Street, Berkhamsted	Construction of rear dormer	19 Mar 12	26 Apr 12	26 Oct 12	No	N/A	Not complied	Latest application to regularise matters (646/17) refused 09 May 17. No appeal submitted. Inspection to take place to understand current position.
5	E/12/00354	Meadow View, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Not complied	Enforcing the works required to the building are dependent on action at Gable End. Review of other breaches needs to take place.
6	E/12/00354	April Cottage, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Partly complied	Enforcing the works required to the building dependant on action at Gable End. Review of other breaches needs to take place.
7	E/12/00354	Woodside, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Not complied	Enforcing the works required to the building are dependent on action at Gable End. Review of other breaches needs to take place.
	CASE REF.	LOCATION	BREACH	DATE	EFFECTIVE	COMPLIANCE	APPEAL	NEW	RESULT	NOTES / FURTHER

				ISSUED	DATE	DATE		COMPLIANCE DATE		ACTION
8	E/14/00494	Land at Hamberlins Farm, Hamberlins Lane, Northchurch	MCOU of land from agriculture to construction / vehicle / storage yard.	11 May15	11 Jun 15	11 Dec 15 (for all steps)	Yes, appeal dismissed	17 Dec 16	Partly complied	All vehicles, materials, machinery have been removed. Works now taken place to remove bund. Need to consider Offence.
9	E/15/00301	Land at Piggery Farm, Two Ponds Lane, Northchurch	MCOU of land from agriculture to non-agricultural storage yard; MCOU of building to private motor vehicle storage; construction of raised hardsurface	15 Jul 16	15 Aug 16	15 Feb 17 (for all steps)	Yes, appeal dismissed (other than use of building)	25 Nov 17	Partly complied	Most vehicles removed from the land. Visit confirmed that hard surfaced area has been removed, bund of material arising still on site awaiting removal. Planning granted: 1937/19. Further site visit needed to check material removed and to check compliance with conditions of permission.
<u>10</u>	E/14/00453	Land at Barnes Croft, Barnes Lane, Kings Langley	Construction of brick garage, brick link extension, and rear sun room.	17 Nov 16	19 Dec 16	19 Dec 17 (for all steps)	Yes, appeal dismissed	19 Jan 19 (for all steps)	N/A	Rear sun room has been demolished. P/P refused for alterations to and retention of detached garage block (3177/18/FHA). Appeal also dismissed. *New app. received (20/02400/FHA)*
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE	RESULT	NOTES / FURTHER ACTION

								DATE		
11	E/16/00449	Farfield House, Chesham Road, Wigginton	Construction of side and rear extension and detached double garage.	23 Jan 17	22 Feb 17	22 Aug 17	No	N/A	Not complied	Planning permission for amended scheme (844/17/FHA) granted. Need to ensure implementation.
12	E/16/00052	Land at Hill & Coles Farm, London Road, Flamstead	MCOU of land to commercial compound/storage of materials and plant, & creation of earth bund.	08 Mar 17	07 Apr 17	07 Oct 17	No	N/A	Partially Complied	EN has been broadly complied with. Land has now been restored, but some elements of material storage have returned. Site visit required to confirm compliance and to continue investigation at other locations within site.
13	E/17/00103	55 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors in discussion with the Conservation Officer to confirm final details of replacement fenestration. *Installation due January/February 2021*
14	E/17/00104	59 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors in discussion with the Conservation Officer to confirm final details of replacement fenestration. *Installation due January/February 2021*
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APEAL	NEW COMPLIANCE	RESULT	NOTES / FURTHER ACTION

								DATE		
15	E/16/00161	Lila's Wood, Wick Lane, Tring	MCOU – use of woodland for wedding ceremonies; creation of tracks; erection of various structures.	27 July 17	25 Aug 17	25 Nov 17 (for all steps)	Yes, appeal dismissed	12 July 18 (for all steps)	Not complied	Requirements not met in full. Permitted development rights being used as 'fall-back' position but items not being removed between events. *Planning application 19/02588/MFA refused – weddings not taking place at the moment due to COVID 19 – compliance check in relation to the structures etc required*
16	E/17/00296	68 Oak Street, Hemel Hempstead	Construction of raised concrete parking platform.	28 July 17	29 Aug 17	29 Nov 17	Yes, appeal dismissed	28 Nov 18	Not complied	Appeal dismissed. Correspondence sent to owner 20.01.20 to request application/ compliance. Application received Feb 2020, invalid at the moment.
17	E/17/00266	Land at Red Lion Lane (Sappi), Nash Mills, Hemel Hempstead	Untidy land, left over from building works.	24 Nov 17	24 Dec 17	24 Jan 18	N/A	N/A	Partly complied	Site cleared. Some grass seeding work required. Also need to seek removal of Heras fencing.
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION

18	E/17/00407	Land at The Hoo, Ledgemore Lane, Great Gaddesden	Construction of new road, turning area and bund.	29 Nov 17	29 Dec 17	29 Jun 18 (for all steps)	Yes, appeal dismissed	29 Apr 19 (for all steps)	Partly complied	Bund removed. Period of compliance for track has passed, but no compliance. Application for smaller track (373/19/FUL) – refused & appeal dismissed. *Application for twin tracks submitted 20/03945/FUL – works already undertaken to remove a lot of material*
19	E/17/00220	17 Langley Avenue, Hemel Hempstead	Construction of raised decking, timber steps and associated fencing and supports.	17 Jan 18	17 Feb 18	17 Apr 18	Yes - appeal allowed (ground g) notice upheld subject to variations	03 July 19	N/A	Appeal allowed in respect of ground (g) (time limits) & Notice upheld subject to the variations. Planning application 01117/19 Granted for re-configuration. Site visit delayed due to COVID 19 restrictions.
20	E/16/00104	40 Tower Hill Chipperfield	MCOU of land from residential garden to commercial car parking/storage and associated laying of hardstanding.	06 Mar 18	05 Apr 18	05 Apr 18 (for all steps)	No	N/A	Partly Complied	Enforcement Notice compliance period has passed. Cars have been removed from the site. Hardstanding not removed. In discussions with executor of estate.
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION

21	E/18/00151	14 The Coppins, Markyate	Construction of raised parking pad.	26 Apr 18	26 May 18	26 Aug 18	Yes - appeal dismissed	06 Nov 19	N/A	Appeal dismissed-application 19/02822/FHA received and granted for different scheme. Additional compliance period has now passed, however this is due to COVID – 19 lockdown. Progress has been made and witnessed by officers. Continued liaison - likely to result in successful implementation of the new permission.
22	E/11/00153	Field adj. New Lodge, London Road, Berkhamsted	Untidy condition of land.	14 Sep 18	14 Oct 18	14 Dec 18	Yes	N/A	N/A	S.215 Notice served. Notice was challenged at Magistrates Court. Court outcome was that the 215 notice was quashed, but a court order was handed down to the defendant for them to comply with. Some items could remain on the site, but needed to be re-positioned. This has not been complied with. Further action to be considered.
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
23	E/16/00007	Land lying to the	Parking of vehicles,	15 Feb 19	18 Mar 19	18 Jun 19	Yes	27 Aug 20	N/A	This notice was

		northwest of Hill Farm, Markyate, AL3 8AU (known as Swaddling Wood)	siting of mobile home and erection of gate in woodland.							appealed – PINS issued their decision on 27.05.20 and upheld the Enf notice (subject to variations). High Court appeal dismissed. *Final compliance date 28 Feb 21 requested due to COVID 19 and other factors*
24	E/18/00385	Site of Smallgrove Farm, Windmill Road, Pepperstock	Creation of a large bund using imported material.	11 Mar 19	11 Apr 19	11 Apr 20	Yes/ dismissed	01 Oct 21	N/A	New compliance deadline 01 October 2021
25	E/18/00166	Honeybrook, St Margarets, Great Gaddesden, HP1 3BZ	Formation of level terraces and construction of brick and stone retaining walls in rear garden.	22 Mar 19	22 Apr 19	22 Oct 19	Yes - withdrawn	29 May 20	N/A	This notice was appealed, but appeal withdrawn. Application 20/00141 granted – retention of terracing with changes to design and new landscaping proposal. Final compliance check required.
26	E/18/00166	Honeybrook, St Margarets, Great Gaddesden, HP1 3BZ	Non-compliance with condition 12 p/p 4/02874/15/FUL.	22 Mar 19	22 Apr 19	22 Oct 19	Yes - withdrawn	29 May 20	N/A	Variation application 19/02721/ROC granted. Final compliance check required.
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
<u>27</u>	E/15/00238	6 Sarum Place, Hemel Hempstead	Untidy land	21 May 19	21 Jun 19	21 Dec 19	No	N/A	N/A	S215 untidy land notice served in

										relation to the garden, windows, gate & shed at this property. Property fallen into disrepair again. *Legal challenge lodged against Notice – to be heard 17/03/21*
28	E/18/00436	68 Tring Road, Wilstone	Erection of a fence in excess of 1m adjacent to a highway	11 Jun 19	09 Jul 19	09 Oct 19	Yes	23 Jun 20	N/A	Retrospective planning permission refused – EN served and notice appealed. Appeal dismissed. Further planning application refused. Second planning application refusal dismissed.
29	E/19/00010	Boxmoor Lodge Hotel, London Road, Hemel Hempstead	Erection of a marquee	25 Jun 19	06 Aug 19	06 Aug 20	Yes/ dismissed	31 Mar 21	N/A	New compliance date 31 March 2021.
30	E/18/00408	28 Boxwell Road, Berkhamsted	Demolition of wall and creation of parking area	09 Sep 19	09 Oct 19	09 Dec 19	Yes	30 Jul 20	N/A	EN served following dismissal of planning appeal regarding same development. Appeal dismissed – new compliance date 30 July 2020. *Compliance check undertaken and application 20/03416/FHA not dealt with under s70(c). Next steps being considered*
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
31	E/19/00321	Land at Featherbed Lane, Hemel Hempstead	Change of use to residential, siting of mobile homes and	11 Sep 19	09 Oct 19	09 Jan 19	Yes	N/A		Status quo injunction sought and granted 23 Aug 2019 (made

			operational development including laying hard standing and erection of fencing							final 20 Sep 2019). EN served following refusal of planning permission on 11 Sep 19. Refusal and EN appealed and likely to be linked inquiry. Council's statement of case submitted to PINS 26.06.20 – awaiting Inquiry date.
32	E/17/00442	Land north of Home Farm, Flaunden Bottom	Extension to building and construction of new building	12 Sep 19	12 Oct 19	12 Dec 19	No	12 Apr 20	Part compliance	Compliance partially obtained. Retaining wall remaining. Public interest test to be applied to requiring full compliance.
33	E/19/00302	Lock Cottage, Ravens Lane, Berkhamsted	LBEN: Demolition of wall within curtilage of listed building	13 Sep 19	12 Oct 19	12 Jan 20	Yes/ dismissed	N/A		*Compliance required by 03 Feb 2021*
34	E/19/00302	Lock Cottage, Ravens Lane, Berkhamsted	EN: Demolition of a wall in a conservation area and creation of a raised parking area	13 Sep 19	12 Oct 19	12 Jan 20	No	N/A		EN served – not appealed. Required to comply with the notice by 12.01.20. *LBEN decision issued – notice upheld and wall considered part of the Listing. Next steps in relation to compliance being considered post 03 Feb 2021*
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
35	E/19/00492 BOC	Bovingdon Market, Chesham Road, Bovingdon	Breach of conditions 4, 5 and 19 of planning permission 4/01889/14/MFA	05 Dec 19	05 Dec 19	02 Jan 20	N/A	N/A		Breach of condition notice issued in respect of breaches pertaining to

										vehicular access points and approved plans. Application 20/00339 refused – further action being considered.
36	E/18/00558	123 George Street, Berkhamsted	Breach of condition in relation to approved drawings 4/01759/16/FHA.	31 Jan 20	31 Jan 20	30 April 20	N/A	N/A		Breach of condition notice issued following unsuccessful negotiations. Additional roof lights causing negative impact.
37	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of unauthorised buildings, hard surfaces and importation and processing of waste materials.	19 Feb 20	20 Mar 20		Yes	N/A		*Start letter issued and statements exchanged. Virtual Hearing to take place 24 March 2021*
38	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of buildings and provision of hardstanding, operation of waste transfer/recycling and importation of waste.	19 Feb 20	19 Feb 20		Yes	N/A		Stop notice issued with enforcement notice in order to cease the continued building work and importation and processing of waste materials at this site.
39	E/19/00439/ LBG	NCP Car Park, Marlowes, Hemel Hempstead	Condition of building	13 Mar 20			No	N/A		*Works completed to paint, clean and tidy the building, incl. the listed mosaic. S.215 Notice complied with. To be removed from list*.
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
40	E/19/00444/ NAP	Plot 1, Cupid Green Lane, Great Gaddesden	Material change of the use of the land from agricultural to use for agricultural	29 Apr 20	24 Jun 20	N/A	Yes/ Allowed	N/A	<u>Notice Quashed</u>	*Ground (b) appeal succeeded. It is open to the Council to issue a fresh EN

			research with associated development.							in relation to the operational development. To be removed from the list*
41	E/20/00163/ NAP	The Walled Garden, Stocks Road, Aldbury	Breach of condition 17 of permission 4/02488/16/FUL.	27 May 20	27 May 20	27 Aug 20	N/A	N/A		Breach of condition notice issued: approved plans. The garage at this site had not been built in accordance with the approved scheme - loss of features such as bug hotels and flint elevations. Variation application 20/01656/ROC not yet determined.
42	E/19/00492/ BOC	Bovingdon Market, Chesham Road, Bovingdon	Breach of conditions 1 & 2 of planning permission 4/01889/14/MFA	27 May 20	27 May 20	24 June 20	N/A	N/A		Breach of condition notice related to the breach of conditions 1 and 2 of the permission (market layout and parking).
43	E/20/00104/ NPP	The Water Gardens Telecoms Mast, Leighton Buzzard	Installation of telecommunications mast.	04 Jun 20	30 Jul 20	N/A	Yes/ Allowed	N/A	<u>Notice Quashed</u>	*Temporary planning permission granted for the mast. Permission expires December 2021. Case to be removed from this list*
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
44	E/20/00088/ NPP	Land east of Watling Garth, Old Watling Street, Flamstead	Construction of a building, gabion walls, widening of an existing access, formation of two	17 Jul 20	28 Aug 20		Yes			*Appeal started, statement due by 27 Jan 21. Appeal has been conjoined with 3 x planning appeals

			vehicular access points and roadways within the site.							for refusals of numerous developments at this site*
<u>45</u>	E/19/00398	Land at Berry Farm, Upper Bourne End Lane, Hemel Hempstead	Pig breeding enterprise with associated development.	17 Jul 20	14 Aug 20		Yes			*Appeal submitted – statements exchanged; awaiting PINS decision*
<u>46</u>	E/19/00359	Land adj. The Willows, Potten End Hill, Water End	Installation of 2 x solar panel arrays.	12 Aug 20	10 Sep 20	10 May 21	No			*Agent has recently contacted to advise they are unlikely to comply in time (May 2021) due to delays with a planning application which seeks to relocate the arrays*
<u>47</u>	E/20/00311/ NAP	13 Chambersbury Lane, Hemel Hempstead	Construction of raised patio and garden store to rear of dwelling.	10 Sep 20	10 Sep 20	N/A	<u>Yes</u>			*Enforcement notice issued following refusal of 20/03101/FHA. Both the refusal of the application and the EN have been appealed. Appeal not started*
<u>48</u>	E/20/00249/ LBG	57 St Johns Road, Hemel Hempstead	Installation of UPVC windows in listed building.	25 Sep 20	27 Oct 20	27 Oct 23	<u>Yes</u>			*Appeal submitted – statements exchanged; awaiting PINS decision*
<u>49</u>	E/20/00101/ NPP	121 High Street, Markyate	Installation of extraction system and flue on listed building.	05 Oct 20	02 Nov 20	02 March 21	<u>Yes</u>			*Appeal submitted – statements exchanged; awaiting PINS decision*

THE FOLLOWING CASES HAVE BEEN ENTERED ONTO THE LIST FOR THE FIRST TIME

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
50	E/19/00290	Land to the West of The Hive, Featherbed Lane,	Construction of a chicken coup and run, consisting of	20 Oct 20	18 Nov 20	N/A	Yes			Refusal of 19/02959/FUL – EN issued in respect of

		Felden	metal container and post and wire fencing, with corrugated roof; and extensions to an existing shelter on the Land							the developments. The stable/shelter extensions were 'under-enforced' (i.e. described as a breach on the notice, but not required to be removed) due to officer report for 19/02959/FUL identifying that they were not harmful.
51	E/20/00421/ COL	Bovingdon Airfield, Chesham Road, Bovingdon	Material change of use of the land from agriculture, to use as a car park associated with the adjacent market site; with associated operational development forming the laying of hard core on the land	06 Nov 20	07 Dec 20	N/A	Yes			Further to the use of the land for parking vehicles associated with the market (over flow parking) and associated development – EN issued.
52	E/19/00378	199 High Street, Berkhamsted	Installation of a traffic control barrier to the side of the building.	19 Nov 20	21 Dec 20	N/A	Yes			Further to failed negotiations, enforcement notice issued. Application submitted post notice; 20/03873/FUL
53	E/19/00513/ NPP	Berkhamsted Golf Club, The Common, Berkhamsted	Creation of a new vehicle parking area.	19 Nov 20	21 Dec 20	N/A	Yes			Further to refusal of retrospective app. 20/00274/RET – the enforcement notice was issued.