



Public Document Pack

# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 19 OCTOBER 2023 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

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

#### Membership

Councillor Guest	Councillor Cox
Councillor C Wyatt-Lowe	Councillor Link
Councillor Durrant	Councillor Mottershead
Councillor Hobson (Vice-Chairman)	Councillor Patterson
Councillor Maddern	Councillor Riddick
Councillor Stevens (Chairman)	Councillor Silwal
Councillor Bristow	Councillor Mitchell

For further information, please contact Corporate and Democratic Support 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 know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	5pm the day before the meeting.

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228209 or by email: [Member.support@dacorum.gov.uk](mailto: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 (Page 5)

- (a) 23/00974/FUL Proposed detached dwelling house Plot 3, Land Between 26 & Collins Bridge Station Road, Berkhamsted, Hertfordshire (Pages 6 - 67)
- (b) 23/00813/FUL Demolition of existing buildings. Construction of 7 new houses with associated parking and landscaping Convent Of St Francis De Sales Preparatory School, Aylesbury Road, Tring, Hertfordshire, HP23 4DL (Pages 68 - 105)
- (c) 23/01807/FHA Replacement of existing hipped roof with gable end roof of same pitch and height, single storey rear extension to replace conservatory, single storey front extension with covered porch, replacement of garage flat roof with pitched roof, conversion of garage to gym, new Velux fenestration. Seasons, 3 Garden Field Lane, Berkhamsted, Hertfordshire, HP4 2NN (Pages 106 - 118)
- (d) 23/01777/FHA Construction of a replacement single storey rear extension, a porch and loft conversion incorporating front and rear dormer windows. Watford Road, Kings Langley, Hertfordshire, WD4 8DY (Pages 119 - 125)

**6. PLANNING ENFORCEMENT QUARTERLY REPORT (Pages 126 - 137)**

## INDEX TO PLANNING APPLICATIONS

<b>Item No.</b>	<b>Application No.</b>	<b>Description and Address</b>	<b>Page No.</b>
<b>5a.</b>	23/00974/FUL	Proposed detached dwelling house Plot 3, Land Between 26 And Collins Bridge, Station Road, Berkhamsted	
<b>5b.</b>	23/00813/FUL	Demolition of existing buildings. Construction of 7 new houses with associated parking and landscaping Convent Of St Francis De Sales Preparatory School , Aylesbury Road, Tring, Hertfordshire	
<b>5c.</b>	23/01807/FHA	Replacement of existing hipped roof with gable of same pitch and height, single storey rear extension to replace conservatory, single storey front extension with covered porch, replacement of garage flat roof with pitched roof, conversion of garage to gym, new Velux fenestration. Seasons , 3 Garden Field Lane, Berkhamsted, Hertfordshire	
<b>5d.</b>	23/01777/FHA	Single storey rear extension to replace existing, front porch canopy, front and rear dormer windows to facilitate loft conversion. Enlargement of existing rear patio. 31 Watford Road, Kings Langley, Hertfordshire, WD4 8DY	

# Agenda Item 5a

ITEM NUMBER: 5a

23/00974/FUL	Proposed detached dwelling house	
Site Address:	Plot 3, Land Between 26 & Collins Bridge Station Road, Berkhamsted, Hertfordshire	
Applicant/Agent:	Mr N Herbert	Mr Tim Linstead
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 **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and inter alia, securing a mitigation package to avoid any further significant effects on the Chiltern Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

## 2. SUMMARY

2.1 The dwelling would be located within an established residential area of Berkhamsted where infrastructure is sufficiently developed and the principle of new housing is acceptable in accordance with Policies CS1 and CS4 of the Dacorum Core Strategy (2013).

2.2 Regard has been had to the site's location within the Berkhamsted Conservation Area and, following minor modification to the design, is considered to preserve the character and appearance of the conservation area. The Council's Conservation and Design Officer is satisfied that the construction of the dwelling would not be injurious to the character and appearance of the conservation area.

2.3 The introduction of one additional dwelling, even when taking into account the cumulative impact of the two dwellings being constructed pursuant to planning application 4/00528/19/FUL, would not have a material impact on the highway network in terms of vehicle numbers. The Highway Authority are satisfied that the size and location of the vehicular crossover would not cause any harm to highway safety and, accordingly, the proposal would accord with Policy CS12 of the Dacorum Core Strategy and Policies 51 and 54 of the Dacorum Local Plan (2004).

## 3. SITE DESCRIPTION

3.1 The application site comprises of a largely undeveloped parcel of land on the northern side of Station Road, Berkhamsted. Two dwellings are currently being constructed to the north-west of the site pursuant to planning application 4/00528/19/FUL, which was allowed on appeal by the Planning Inspectorate. A strip of land to the north, which includes a number of mature trees, is used for open storage of building materials and forms a buffer between the site and the West Coast Mainline. The site is located within an urban area of Berkhamsted and the Berkhamsted Conservation Area.

## 4. PROPOSAL

4.1 Planning permission is sought for the construction of a three-bedroom two-storey detached dwelling. The dwelling would be of two-storey construction and finished in facing brick with a gable roof clad in natural slate tiles. The primary amenity space would be located to the side of the dwelling. A new vehicular access is proposed to provide access to the parking area, which would contain a total of two parking spaces in a tandem arrangement.

4.2 The application also includes a retrospective element in the form of the construction of a retaining wall and the levelling of the site. It is understood that these works were carried out in conjunction those necessary to implement planning application 4/00528/19/FUL.

## 5. PLANNING HISTORY

5.1 The following applications and appeals relate to the land outlined in blue on drawing no. TL-4870-23-100D:

### Applications

23/00746/DRC - Details as required by conditions 3 (External walls materials); 4 (Eaves, windows & rooflights); 5 (Contamination); 6 (Remediation statement); 8 (Hard & soft landscaping); 10 (Approved levels); 15 (Ventilation scheme); 17 (Tree report) attached to planning permission 4/00528/19/FUL (Construction of two 3-bed semi detached dwellings) Approved under APP/A1910/W/20/3245645  
GRA - 8th August 2023

23/01273/DRC - Details as required by conditions 13 (Construction management plan) and 16 (Ecological report) attached to planning permission 4/00528/19/FUL (Construction of two 3-bed semi detached dwellings) granted under appeal 20/00022/REFU.  
GRA - 8th August 2023

4/00528/19/FUL - Construction of two 3-bed semi detached dwellings  
REF - 19th November 2019 **Allowed on Appeal**

4/02316/17/FUL - Construction of a pair of semi-detached dwellings  
REF - 25th January 2018

### Appeals

20/00022/REFU - Construction of two 3-bed semi-detached dwellings  
ALW - 12th October 2020

4/02316/17/FUL - Construction of a pair of semi-detached dwellings  
DIS - 15th November 2018

5.2 The following applications and appeals relate to the land outlined in both red and blue on drawing no. TL-4870-23-100D:

### Applications

4/00645/16/FUL - Construction of 4 dwellings and associated parking and Landscaping.  
REF - 31st May 2016

4/03769/15/FUL - 8 dwelling units - four 3 bedroom houses and four 1 bedroom flats with associated parking and landscaping  
REF - 13th November 2015

### Appeals

4/00645/16/FUL - Construction of 4 dwellings and associated parking and Landscaping.  
DIS - 27th October 2016

## 6. CONSTRAINTS

Area of Archaeological Significance: 21  
Canal Buffer Zone  
CIL Zone: CIL1  
Berkhamsted Conservation Area  
Former Land Use (Risk Zone): Former Goods Shed  
Parish: Berkhamsted CP  
RAF Halton and Chenies Zone: Yellow (45.7m)  
Railway (100m Buffer): Railway: 100m buffer  
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)  
Parking Standards: New Zone 3  
EA Source Protection Zone: 2 & 3 (straddles boundary)

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 (2023)  
Dacorum Borough 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  
CS8 – Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 – New Housing  
CS18 – Mix of Housing  
CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions

### Dacorum Local Plan

Policy 10 – Optimising the Use of Urban Land  
Policy 13 - Planning Conditions and Planning Obligations  
Policy 18 – The Size of New Dwellings



Policy 21 – Density of Residential Development  
Policy 51 – Development and Transport Impacts  
Policy 54 – Highway Design  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 120 – Development in Conservation Areas

Appendix 3 – Design and Layout of Residential Areas

### Supplementary Planning Guidance/Documents

Car Parking Standards (2020)  
Planning Obligations (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)

## **9. CONSIDERATIONS**

### Main Issues

The main issues to consider are:

The policy and principle justification for the proposal;  
The impact on significance of heritage assets and character and appearance of area;  
The quality of development;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### Principle of Development

9.1 The application site is located within a residential area of Berkhamsted wherein, in accordance with Policy CS4 of the Dacorum Core Strategy (2013), the principle of residential development is acceptable.

9.2 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.

9.3 Saved Policy 10 of the Dacorum Local Plan seeks to optimise the use of available land within urban areas.

9.4 The principle of a new dwelling in this location is therefore acceptable subject to compliance with the relevant local and national planning policies.

### Impact on Significance of Heritage Assets and Character and Appearance of Area

9.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to conservation areas, special attention must be paid to *'the desirability of preserving or enhancing the character or appearance of that area'*. If it is judged that harm to the heritage asset would arise from the proposed development, considerable importance and weight must be attributed to that harm in order to comply with the statutory duties.

9.6 Policy CS27 of the Dacorum Core Strategy is an overarching policy which seeks to ensure that the quality of the historic environment is maintained. In particular, it states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected conserved and, if appropriate, enhanced.

9.7 Policy 120 of the Dacorum Local Plan states that new developments in 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. Specifically, there is an expectation that development will respect established building lines, layouts and patterns, use materials and adopt design details which are traditional to the area, and be of scale and proportions that are sympathetic to the scale, form, height and overall character of the surrounding area.

9.8 The proposed dwelling has been designed to be sympathetic to the local area, incorporating architectural features and detailing – i.e. canted bay window, cut brick headers, corbelling, brick banding and stone sills – that are characteristic of the area.

9.9 A street scene drawing illustrates the relationship between the proposed development and the two unit scheme to the north-west. The new dwelling would have similar proportions and be only 14cm higher than what has been approved, thereby sitting comfortably within the street scene.

9.10 Drawing no. TL-4870-23-100D illustrates the building lines of the dwellings under construction to the north-west. It is clear from this drawing that the proposed dwelling would respect this newly established building line, forming a constituent part of a cohesive ribbon of development on the northern side of Station Road.

9.11 A 2m high acoustic fence is proposed to be erected on top of the retaining wall. It would be of timber construction, seen against the backdrop of the mature trees to the rear and set back from the highway carriageway by approximately 17m. For this reason it would not be conspicuous in the street scene and is considered to be acceptable from a visual perspective.

9.12 The use of tandem parking assists in limiting area of hardstanding, allowing for the provision of good levels of landscaping.

9.13 Concerns have been raised by some local residents that the proposal represents overdevelopment of the site. Dacorum’s planning policies do not specifically define what is meant by overdevelopment, but this typically characterised by an inability to provide all the amenities reasonably required by a dwelling without resorting to contrived design or compromising in terms of quantum of parking, amenity space etc. In this case it is clear that:

- a) The dwelling has sufficient space surrounding it to ensure that it does not have a cramped appearance, with ample space for both bin and cycle storage facilities.
- b) Parking provision in accordance with adopted standards.
- c) Levels of amenity space considerably in excess of those available to the dwellings on the opposite side of the Station Road.
- d) A low density of development (approx. 22 dwellings per hectare).

9.14 In terms of the materials proposed to be used in the construction of the dwelling, these have been set out below for ease of reference:

<b>Material</b>	<b>Manufacturer</b>
Roof Tiles	Natural Slate
Red Brickwork	Wienerberger English Red, 65mm machine made stock bricks laid in Flemish Bond
Buff Brickwork	Danehill Yellow bricks, 65mm machine made stock bricks laid in Flemish Bond
Windows	UPVC Sash Windows Coloured White (provided by Victorian Sliders. ECO Slide Vertical Sliding Sash

	Windows
Stone Cills	
Conservation Roof Lights	

9.15 Whilst UPVC windows are not generally encouraged in conservation areas, the specific windows proposed are of high quality and considered acceptable by the Conservation and Design Officer. Additionally, it should be noted that identical materials have been approved for use in the construction of the two units to the north-west.

9.16 The Conservation and Design Officer has reviewed the application and recommended a number of minor alterations; in particular, a reduction in the number of roof lights on the front roof slope, the inclusion of a window in the north-western gable in order to break up the expanse of brickwork, and an increase in the size of the chimney. Amended plans have subsequently been provided which address all of the above points; indeed, all roof lights have, in fact, been removed from the front roof slope. The Conservation and Design Officer has confirmed that these alterations address his concerns and would not cause harm to the character or appearance of the Berkhamsted Conservation Area.

9.17 It is considered that the proposed development would have a neutral impact on the character and appearance of the Berkhamsted Conservation Area. As such, the balancing exercise in paragraph 202 of the NPPF need not be carried out.

9.18 The development is considered to accord with Policy CS27 of the Dacorum Core Strategy and Policy 120 of the Dacorum Local Plan.

### **Quality of Development**

9.19 Paragraph 130 of the NPPF seeks to ensure that planning decisions, inter alia, create spaces which promote health and well-being, with a high standard of amenity for existing and future users.

9.20 Saved Appendix 3 of the Dacorum Local Plan states that all residential development is required to provide private open space for use by residents whether the development be houses or flat, with private gardens normally being positioned to the rear of the dwelling and having an average minimum depth of 11.5 metres. For infill developments, meanwhile, garden depths which are below 11.5m but of equal depth to adjoining properties will be acceptable

#### *Amenity Space*

9.21 According to drawing no. TL-4870-23-100D, the side garden would comprise of an area of around 156m<sup>2</sup>, with a further area of 29m<sup>2</sup> located to the rear.

9.22 While saved Appendix 3 states that gardens should normally be positioned to the rear of dwellings, it does not indicate that gardens located to the side of dwellings are unacceptable; rather, the key consideration relates to whether such a side garden would provide an appropriate space which affords a sufficient degree of privacy.

9.23 The size of the space available for future residents would far exceed that provided on a standard new-build dwelling, and its size and shape would facilitate a wide range of uses. It is also instructive to note that in allowing the appeal in respect of the two dwellings to the north-west, the Planning Inspector was of the opinion that an area of 132m<sup>2</sup> per dwelling would be sufficient for future occupiers of the development. Proceeding on this basis, it is not unreasonable to conclude that the dwelling subject to this planning application would provide a level of space commensurate with its future use as a family dwelling.

9.24 In terms of privacy, the proposed boundary treatment along the site frontage is a 0.9m high wall constructed in Flemish bond brickwork with coping detail to its upper edge. It is acknowledged that this front boundary wall would be ineffective in circumscribing views into the gardens from persons utilising the informal parking spaces adjacent to the frontage; however, there are two mitigating factors:

1. The frontage would not comprise of a traditional pavement, where it would be reasonable to expect that pedestrians would pass frequently throughout the day. Rather, activity would be limited to those parking their cars in these spaces.
2. Residents of the new dwellings would presumably be cognisant of the boundary treatment arrangements prior to purchase.

9.25 In light of the above it is considered that the amenity space would provide a good level of amenity and accord with saved Appendix 3 of the Dacorum Local Plan.

#### *Noise and Vibration*

9.26 A Noise Impact Assessment (NIA), prepared by Syntegra Consulting and dated June 2023, was submitted during the course of the application at the request of the Council's Environmental Health Officer in light of the proximity of the site to the West Coast Mainline.

9.27 Following a review of the NIA, the Environmental Health Officer has confirmed that the relevant guidelines can be achieved provided appropriate materials and design are utilised. Therefore, subject to the inclusion of appropriately worded planning conditions, it is considered that the any impacts from noise and vibration can be adequately addressed.

#### *Outlook and Internal Daylighting*

9.28 The ground floor windows on the rear elevation of the proposed dwelling are shown as serving an open-plan kitchen / dining / family room and would be located in close proximity to 2.5m high retaining wall, with a belt of mature trees located on the land beyond. However, it must be acknowledged that that room would have French Doors facing the side garden, thereby ensuring there is a sufficient amount of light and outlook to this room. At first floor level two windows are proposed, both of which would serve non-habitable rooms – i.e. an en-suite and bathroom. Given that the rooms are non-habitable, no concerns are raised in terms of outlook or levels of light ingress.

#### *Size*

9.29 Dacorum does not currently have a planning policy requiring adherence to the Department for Communities and Local Government's nationally described space standards. However, all rooms appear to be of a good size and are functional.

#### **Impact on Amenity of Neighbours**

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

#### *Loss of Privacy*

9.31 Neither the Core Strategy nor the saved policies of the Local Plan specify a minimum separation distance where the front elevation of one dwelling faces the front elevation of another.

9.32 A lack of a specified separation distance means that whether a particular development is acceptable hinges on compliance with the general provisions set out in Policy CS12; that is to say, that development avoid loss of privacy. The term '*loss of privacy*' is not itself defined and is thus open to interpretation. In addition, the opening sentence of Policy CS12 does not state that development *must* avoid loss of privacy. Instead, it uses the less onerous word 'should', tacitly acknowledging that there may be times when a loss of privacy, however it is defined, may be acceptable.

9.33 Drawing no. TL-4870-23-101B indicates that four of the six window openings on the front elevation would serve habitable rooms; namely, a living room, study and two bedrooms. It is firstly important to note that front elevations are inherently less private than rear elevations, and therefore it would not be appropriate to afford them the same level of protection. In this case, there would be a separation distance of approximately 17.5m between the proposed dwelling and no. 24 Station Road, which, in any case, has an oblique rather than a direct relationship with the proposed dwelling. This separation distance is typical of residential streets in the area and exceeds that in respect of the development approved to the north-west by the Planning Inspectorate. Views from these windows would primarily be of the driveways serving no. 25 Station Road and no. 19 Gravel Path, both of which are not inherently private areas given the level of visibility from the street scene.

#### *Visual Intrusion*

9.34 There is no definition of visual intrusion in the Core Strategy or Local Plan. However, the proximity of built development, height, mass and bulk, design, topography, orientation and the existing layouts of nearby dwellings are all relevant factors. As such, whether development is visually intrusive or overbearing falls to be a matter of planning judgement.

9.35 The construction of a new dwelling in this location would introduce built development where none currently exists. No. 24 Station Road is the dwelling most likely to be affected by the proposal. It is noted, however, that there would be a separation distance of approximately 17.5m between the respective front elevations, and that the new dwelling would not be positioned directly in front of no. 24. As such, taking into account levels, scale, orientation and positioning, it is not considered that the new dwelling would appear visually intrusive.

9.36 It follows that the impact on other dwellings proximate to the site – i.e. nos. 22 & 23 Station Road – would not be significant and give rise to any concerns such that the application should be refused on the grounds of visual intrusion.

#### *Loss of Sunlight and Daylight*

9.37 Appendix 3 of the Dacorum Local Plan states that residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing and proposed dwellings.

9.38 The proposed dwelling would not be located directly opposite no. 24 Station Road and, given its location to the north-east, any loss of sunlight would be limited. It is not considered that any other dwelling would suffer any significant loss of daylight and sunlight.

### **Impact on Highway Safety and Parking**

#### *Highway Safety*

9.39 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon, inter alia:

- 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.

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

9.41 Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.42 The proposed dwelling would necessitate the construction of a vehicular crossover with a width of 5.4m in order to provide access to the private parking area. The Highway Authority have confirmed that this meets the standards set out in their Dropped Kerb Policy and does not, therefore, wish to raise any objections.

9.43 The Highway Authority have acknowledged that Station Road is essentially single width owing to on-street parking. The parking that currently takes place on the highway verge adjacent to the application site is also noted in their response, though they do not consider it to be a formal parking area owing to the lack of a dropped kerb and hardstanding. The fact that the Highway Authority have not hitherto taken steps to prevent informal parking on this verge suggests that this approach may well continue, even if the proposed dwelling and vehicular access were to be approved and constructed. The question then arises as to whether the parked cars could detrimentally impact visibility for vehicles utilising the new access. It is instructive to note that guidance in Manual for Streets<sup>1</sup> advises that while parking in visibility splays in built-up areas is quite common, it does not create significant problems in practice.

9.44 The provision of one further dwelling along Station Road would have a very minimal impact on localised vehicular movements, and it is submitted that, in and of itself, the intensification of the site would not be sufficient to result in the capacity of the highway network being exceeded, nor have an unacceptable impact on highway safety.

9.45 A request has been made by a local resident for a traffic survey be carried out in order to inform the decision-making process for this application. It is unclear what this would achieve, though, as it is not disputed that Station Road is at peak times a well-used thoroughfare. Arguably, the more pertinent question relates to the level of vehicular movement arising from the new dwelling itself, which, given its modest size and two parking spaces, is unlikely to materially affect the highway network.

9.46 Taking all the above into account, it is considered that the development would be in accordance with Policy CS12 of the Dacorum Core Strategy, Policy 51 of the Dacorum Local Plan.

### *Parking*

9.47 Policies CS8 and CS12 of the Dacorum Core Strategy seek to ensure that development provides sufficient and safe parking.

9.48 The Parking Standards Supplementary Planning Document was formally adopted on 18<sup>th</sup> November 2020 and advocates the use of a 'parking standard' (rather than a maximum or minimum standard), with different levels of standard in appropriate locations and conditions to sustain lower car ownership.

9.49 Section 6 of the Parking Standards Supplementary Planning Document states that:

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<sup>1</sup> Paragraph 7.8.5 of MfS 1.

*The starting principle is that all parking demand for residential development should be accommodated on site; and the requirements shown are 'standards' - departures from these will only be accepted in exceptional cases, when appropriate evidence is provided by the agent/developer for consideration by the Council, and the Council agrees with this assessment.*

....

*Different standards for C3 use are provided as set out in the table in Appendix A, based on the three accessibility zones referred to in section 4.8 and shown in Appendix B.*

9.50 The application site is located within Accessibility Zone 3 wherein the expectation is that the following parking provision would be achieved:

3 bedrooms	Allocated	2.25
	Unallocated	1.80
4 bedrooms	Allocated	3.00
	Unallocated	2.40

9.51 The Parking Standards SPD does not provide a methodology to define bedrooms. The way in which this is established is therefore a matter for the decision maker. It is submitted that an appropriate approach is to have regard to the location of the room within the dwelling and, having established that the location is appropriate for a bedroom, ascertain whether it would be physically capable of accommodating a bed.

9.52 Since the room referred to as a 'Home Office' in the roof space would be capable of accommodating a single bed and occupies an area of the dwelling which is conducive to this form of use, it should be treated as a bedroom for the purposes of the Parking Standards SPD. By contrast, whilst the adjacent 'Storage Room' would be of sufficient size to accommodate a bed, the lack of windows and the inability to insert these without a formal grant of planning permission (permitted development rights are proposed to be removed should planning permission be granted) effectively precludes the use of this room as a bedroom. Accordingly, it would not be appropriate to treat it as a fifth bedroom. The dwelling should therefore be assessed as having four bedrooms.

9.53 The Parking Standards SPD differentiates between parking requirements where spaces are allocated. The rationale for this is outlined in paragraphs 7.4 to 7.5:

*When different types of uses occupy the same area, there is the potential for parking spaces to be shared. This is highly desirable, provided this works without conflict and that car parking provision is sufficient for the combined peak of all land uses. For example, a development with commercial and leisure uses can experience peak commercial parking demand on a weekday at midday, but for leisure use its peak may be on a weekday in the evening and on the weekends. Shared use may result in a reduction of the number of parking spaces which a developer is required to provide, but such an approach will require evidence acceptable to the council, and these will be judged on a case by case basis. Where this is not accepted by the Council, the parking standard in **Appendix A** should be provided.*

*In general, where there are mixed uses or a number of different units, allocation of spaces to specific uses means that more spaces are required on-site, while unallocated spaces can be used by all, improving efficiency. The Council wishes to encourage efficient parking use and would in general prefer unallocated spaces. Subject to satisfactory evidence, the council may consider some relaxations of standards where limited numbers of spaces are allocated.*

9.54 It is clear from the foregoing that the application of the allocated parking standard should not apply to a single dwelling scenario; rather, this should apply only where a development proposal

relates to a mix of uses or development involving more than one dwelling. The development thus gives rise to a parking standard of 2.4 spaces<sup>2</sup> or 2 spaces once rounding has taken place.

9.55 A total of two parking spaces (based on dimensions of 2.4m x 4.8m) could be provided on-plot in a tandem arrangement. This approach has been deemed acceptable by the Planning Inspector in respect of the allowed appeal on the adjacent site and is also supported by the Parking Standards SPD.

9.56 The development is therefore considered to accord with Policies CS8 and CS12 of the Dacorum Core Strategy.

#### *Electric Vehicle Charging*

9.57 The parking layout does not show any EV charge points and therefore does not comply with the Parking Standards SPD. For reference, one active charging point is required per dwelling. Should planning permission be granted, it is recommended that a condition requiring details of EV charging points and their subsequent provision be included.

### **Other Material Planning Considerations**

#### *Permitted Development Rights*

9.58 Paragraph 54 of the NPPF states that “*planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.*”

9.59 More detailed guidance is found within the National Planning Practice Guidance, where it states:

*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*

9.60 Station Road is subject to an Article 4 Direction that removes permitted development rights in respect of Class B, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, it is clear from the wording of the Article 4 Direction, and the fact that Class B rights do not apply to roof slopes fronting a highway, that the intention was to remove Class C (any other alteration to a roof) permitted development rights. There are numerous examples of roof lights on front roof slopes in the immediate vicinity, and as such, removal of Class C permitted development rights could not be justified in visual terms. This notwithstanding, removal of Class A permitted development, in so far as they relate to new window openings, and Class C permitted development rights can be justified on the basis that the exercise of these rights could facilitate the use of the storage room as an additional bedroom, resulting in there being insufficient parking provision in an area of parking stress.

#### *Ecology*

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<sup>2</sup> The worked examples in the SPD all relate to instances where fractions of a space are >5 and, accordingly, rounded up to the nearest whole number. In the absence of any advice to the contrary, it is considered appropriate to round down any number <5 in accordance with the general rules of mathematics. Thus, 2.4 rounds down to 2.0).



9.61 The application has been supported by a Preliminary Ecological Appraisal prepared by Biome Consulting (dated 15<sup>th</sup> March 2023). The report recommends that a full reptile survey is carried out in order to assess the population on site.

9.62 However, the entirety of the site has since been excavated, rendering a survey superfluous. That said, it is to be noted that a survey was carried out as part of the requirements of Condition 16 attached to planning application 4/00528/19/FUL, in respect of which the County Ecologist provided the following comments:

*This is a long-standing development site – we made comments following various surveys in 2016, but not it seems on later applications or this one, although the ecological issues are the same. In respect of reptiles, although more records were made in 2015, both 2015 and 2023 surveys considered a low population of lizards was present. Unfortunately, they may not be for much longer, depending on whether they can survive along the railway embankment elsewhere – which hopefully they can, given railway lines are a favoured location given the nature of the adjacent habitat – rough, open and a little disturbed.*

*However, in respect of the Cherryfield Report, I consider the survey and working methodology recommendations for site clearance are acceptable and follow best practice. This includes ecological supervision of the clearance, to help avoid any offence being committed.*

*It is important to note that under reptile enhancements, there are proposals for habitat management for reptiles along the site edges, to be fenced off from gardens and managed. This must be provided as technically, without these, an independent receptor site has not otherwise been identified – as required by the Condition. Given this is only a low population, this is probably acceptable. Without any appropriate habitat management, the habitat could have changed anyway and become unsuitable for lizards, but they are clearly still present, likely to be breeding and certainly should be considered in this respect accordingly.*

9.63 Given the requirements of Condition 16 and the approved mitigation, it is not unreasonable to conclude that any lizards occupying the application site would have been able to re-locate to the habitat created at the site edges and therefore will, in any case, have been protected.

9.64 Based upon the findings of the Preliminary Ecological Appraisal it is not considered that any other species would be adversely affected. Relevant informatives will be included on the decision notice in order to remind the developer of his responsibilities under the relevant legislation.

#### *Archaeology*

9.65 The Historic Environment Advisor has been consulted and has advised that the development is unlikely to have a significant impact on heritage assets of archaeological interest. As such, there is no requirement for planning conditions requiring archaeological investigation.

#### *Land Contamination*

9.66 The Council's Scientific Officer has reviewed the Brown 2 Green Preliminary Risk Assessment Report (ref. 3270/Rpt1v1) dated March 2023 and does not wish to raise any objections to the proposed development. This is on the basis that contaminated land conditions are included with any grant of planning permission.

#### *Flood Risk*

9.66 The site is located within Flood Zone 1 and thus has less than a 0.1% chance of flooding in any given year. On this basis, a Flood Risk Assessment would not be required.

#### *Impact on Trees and Landscaping*

9.67 The Arboricultural Method Statement, submitted at the request of the Trees and Woodlands Team, shows a site layout which does not reflect what is now being proposed. However, the layout now proposed would result in less incursion into the Root Protection Areas (RPAs) of the retained trees to the north of the site and is thus preferable. It is also understood that excavation has already taken place on site and that the construction of areas of hardstanding will take place below the current root levels, obviating any further harm.

9.68 It is however noted that the application site has been fully excavated and a retaining wall constructed. These works appear to have been carried out in conjunction with those approved under the appeal scheme. As such, the retaining wall now serves as an appropriate means of protection for the trees to the north.

9.69 While it is acknowledged that the dwelling would be located in reasonably close proximity to mature trees, the principle of the relationship between the mature trees and residential development has previously been accepted at the adjoining site (see 4/00528/19/FUL). The trees are located to the north of the site and therefore would not reduce levels of sunlight. Daylight levels would be reduced as a result of the trees but the internal layout of rooms is such that any impacts would be minimised. Specifically, rooms with windows facing the rear of the site are either non-habitable or dual aspect. Accordingly, it is concluded that there would be a satisfactory relationship between the trees and the new dwelling.

#### *Chiltern Beechwoods Special Area of Conservation*

9.70 Between 14th March 2022 and 15<sup>th</sup> November 2022 there was a moratorium on all residential development in the Borough. This was a temporary measure due to excessive harm recently identified to the Chilterns Beechwoods Special Area of Conservation (CBSAC) and Councils' duties under law required by Habitat's Regulations.

9.71 The Council has worked with relevant partners to identify a suitable mitigation strategy going forward. The mitigation strategy involves contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands.

9.72 The following contributions would need to be secured by legal agreement prior to the grant of planning permission:

- Strategic Access Management and Monitoring (SAMM) = £913.88 per dwelling.
- Suitable Alternative Natural Greenspace (SANG) = £4,251.00 per dwelling.
- Payment will be required upon commencement.

#### *Impact on Operational Railway*

9.73 Network Rail have requested that a number of planning conditions be included with any grant of planning permission. Where appropriate, these have been included as part of the recommended list of conditions.

#### Response to Neighbour Comments

9.74 Objections from local residents have been summarised below for ease of reference:

- Loss of green space.
- Loss of privacy.
- Overdevelopment.
- Reduction in car parking for local residents.
- Increase in levels of pollution.

- Additional traffic pressures on Station Road.
- Appearance of new development out of character with existing properties in the street.
- Proposal uses land that does not belong to the developer.
- Reasons for refusal for four dwelling scheme equally applicable to three dwelling scheme.

9.75 Points not already addressed in this report are considered below:

*Increase in Levels of Pollution*

9.76 Any increase in car movements is likely to be very modest indeed given the size of the dwelling and the proposed number of parking spaces. The site is not located in an identified Air Quality Management Area (AQMA) and the Environmental Health Officer has raised no concerns with regard to air quality.

*Reasons for refusal for four dwelling scheme equally applicable to three dwelling scheme*

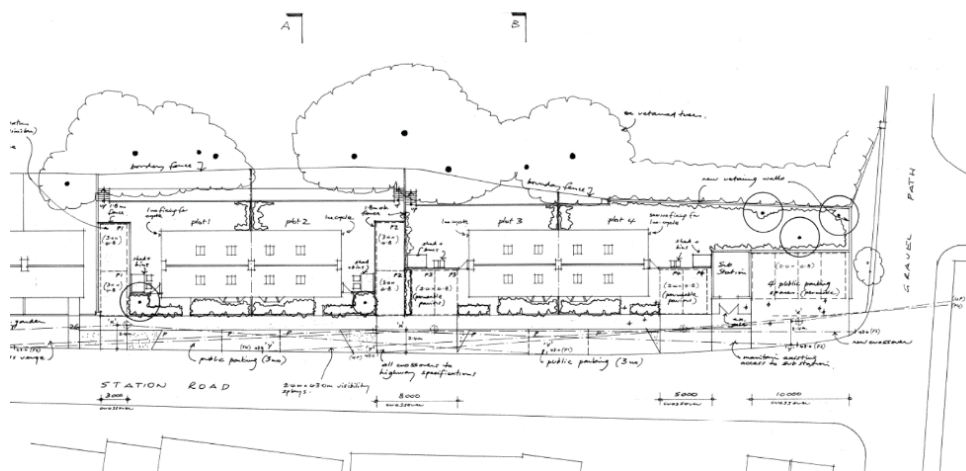
9.77 In dismissing the appeal in respect of the four unit scheme (reference APP/A1910/W/16/3151498) the Inspector’s sole concern related to the living conditions of future occupiers of the development.

9.78 The Inspector acknowledged that Appendix 3 of the Dacorum Local Plan allows for garden depths off less than 11.5m where the development relates to infill developments, and noted that the proposed dwelling would have garden depths similar to those at nos. 26 and 27 Station Road. He was not, however, satisfied that the space was of such a width and shape as to be functional and compatible with the surrounding area:

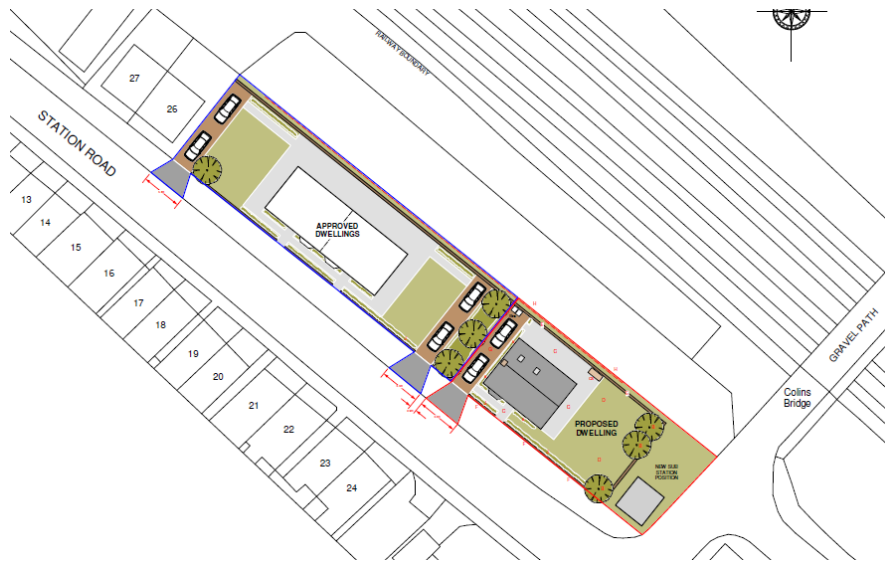
*‘Although amenity space is provided at the side of the dwellings, in the case of Plots 1 and 2, this is a narrow space enclosed between the gable of the house and a 1.8 metre high fence adjacent to the driveways.’*

9.79 It is submitted that the dismissed appeal scheme is materially different to that currently being considered, the respective site layouts being reproduced below for comparison:

Appeal Scheme



## Proposed Scheme



9.80 It will be noted that:

- Amenity space available to the new dwelling far exceeds that proposed by the dismissed appeal scheme.
- Amenity space is no longer irregular, forming a more typical rectangular area.
- Car parking is located on opposite of the dwelling to the primary amenity space.

9.81 In addition to the above, the proposal follows the approach taken by the Inspector in respect of the more recent allowed appeal (APP/A1910/W/20/3245645) for two dwellings. Indeed, the level of amenity space proposed exceeds that deemed acceptable for the respective units approved under the aforementioned appeal.

### *Land Not in Ownership of Developer*

9.82 The only land within the red outline that is not in the ownership of the applicant is the highway verge. However, Certificate B has been signed and appropriate notice served on the Highway Authority. Accordingly, there has been no procedural irregularity.

## **10. CONCLUSION**

10.1 The principle of development is acceptable, noting the location of the application site in a residential area of Berkhamsted, where the necessary infrastructure is already in place and well-developed.

10.2 The design, siting and scale of the dwelling would be sympathetic and in-keeping with the character and appearance of this part of the Berkhamsted Conservation Area. The proposed materials, boundary walls and hard and soft landscaping are similarly considered to be appropriate, resulting in a high quality appearance that would not be injurious to the character and appearance of the street scene or the conservation area.

10.3 Careful consideration has been given to the potential impact on the residential amenity of neighbouring properties, and it has been concluded that there would be no significant adverse impacts.

10.4 It is not considered that the construction of the proposed dwelling would have an unacceptable impact on local parking levels, given that the dwelling would provide for its own parking requirements in full.

10.5 Matters of highway safety are similarly deemed to be acceptable, it being noted that no objections have been received from the Highway Authority and that the provision of one additional dwelling would be unlikely to have a material impact on the highway network.

10.6 Financial contributions toward the Chiltern Beechwoods Mitigation Strategy are to be secured by way of a legal agreement.

## 11. RECOMMENDATION

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and inter alia, securing a mitigation package to avoid any further significant effects on the Chiltern Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

### 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:**

**TL-4870-23-100D Proposed Site Plan**  
**TL-4870-23-101B Dwelling Details**

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

3. **Prior to first occupation of the dwelling hereby approved, the amenity area shall be provided and laid out in accordance with drawing no. TL-4870-23-100D and thereafter permanently retained.**

**Reason:** In order to ensure that the dwelling respects adjoining properties in terms of amenity and retains sufficient amenity space, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and saved Appendix 3 of the Dacorum Local Plan (2004).

4. **Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number TL-4870-23-100D. Prior to first use appropriate arrangements shall be made for surface water 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).

5. **(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written Preliminary Environmental Risk Assessment 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 an Intrusive Site Investigation 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 (including an options appraisal and verification plan); 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 to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32. This condition needs to be pre-commencement as the risks to site operatives and future occupiers need to be fully understood prior to the mobilisation of any contaminants and in order to ensure that appropriate mitigation takes place, which might not be possible at a later stage.

6. **Any contamination, other than that reported by virtue of Condition 5 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

**Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.**

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

Informative:

The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2023.

Guidance on how to assess and manage the risks from land contamination can be found here:

<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

7. **The landscaping works shown on drawing no. TL-4870-23-100D (Proposed Site Plan) shall be carried out within one planting season of completing the development or first occupation of the proposed dwelling, whichever is the sooner.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 3 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.**

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

8. **The dwelling hereby approved shall not be occupied until the hard landscaping works shown on drawing nos. TL-4870-23-101B (Dwelling Details) and TL-4870-23-100D (Proposed Site Plan) have been fully completed.**

**Reason:** In order to ensure a satisfactory appearance to the development, street scene and the Berkhamsted Conservation Area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Core Strategy (2013).

9. **No development above slab level shall take place until a noise mitigation and alternative ventilation scheme to protect each habitable room from railway noise has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented prior to first occupation of the dwelling hereby approved and shall be retained in perpetuity thereafter.**

**Reason:** To ensure satisfactory living conditions for future occupiers of the dwelling in accordance with paragraphs 174 (e) and 185 (a) of the NPPF (2023).

10. **Prior to the commencement of development a scheme to protect the residential units from railway vibration shall be submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented prior to the first occupation of any of the residential units hereby approved and maintained in the approved state at all times thereafter. No alterations shall be made to the approved structure of the units including roof, doors, windows and external facades, layout of the units or noise barriers.**

**Reason:** To ensure satisfactory living conditions for future occupiers of the dwelling in accordance with paragraphs 174 (e) and 185 (a) of the NPPF (2023). This condition must be pre-commencement as the foundation design will be critical in ensuring that adequate protection from railway vibration is provided.

Informative:

The scheme related to railway vibration can be informed by measurement and/or prediction using modelling provided that the model used has been verified. Only an appropriately

qualified acoustic consultant will be able to carry out an assessment of the vibration. The Institute of Acoustics website gives contact details of acoustic consultants - [www.ioa.org.uk](http://www.ioa.org.uk).

11. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed in the front and rear roof slope or the south-eastern gable end.**

**Reason:** To ensure that the dwelling continues to retain sufficient parking in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013) and the Dacorum Parking Standards SPD (2020).

12. **The construction of the development shall only be carried out in accordance with the following plans / documents:**

**TL-4870-23-102A  
Construction Management Plan (received on 01/06/23).**

**Reason:** In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2023).

13. **The parking area shown on drawing no. TL-4870-23-100D shall be kept permanently available for parking associated with the development hereby approved and shall be used for no other purpose.**

**Reason:** To ensure that sufficient parking is retained for the development in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013).

14. **No development shall take place until a method statement and risk assessment in relation to the railway has been submitted to and approved in writing by the local planning authority. Development shall be carried out strictly in accordance with the approved particulars.**

**Reason:** To ensure that the construction and subsequent maintenance of the development can be carried out without adversely affecting the safety, operational needs or integrity of the railway. This condition must be pre-commencement as there is a risk that, if not properly assessed, development could result in danger to railway infrastructure and, by extension, users of the railway.

15. **No scaffolding shall be erected within 10m of the railway boundary until full details of the scaffolding works have been submitted to and approved in writing by the local planning authority. All scaffolding works shall be carried out strictly in accordance with the approved particulars.**

**Reason:** In the interests of protecting the railway and its boundary from over-sailing scaffolding.

16. **No vibro-impact works (including piling) shall take place until a risk assessment and method statement in relation to the railway has been submitted to and approved in**



**writing by the local planning authority. All vibro-impact works shall be carried out strictly in accordance with the approved particulars.**

**Reason:** To prevent any piling works and vibration from de-stabilising or impacting the Railway in accordance with paragraph 174 (e) of the NPPF (2023).

17. **No soakaway shall be constructed / installed within 30 metres of the railway boundary.**

**Reason:** To protect the adjacent railway from the risk of flooding, soil slippage and pollution in accordance with paragraph 174 (e) of the NPPF (2023)

## INFORMATIVES

1. New or Amended Vehicle Crossover Access

Where works are required within the public highway to facilitate a 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

2. Construction Management Plan (CMP)

The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

3. Obstruction of Highway

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 County Council website at:

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

#### 4. Storage of Materials

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

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

#### 5. Extent of Highway

Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

[www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

A licence must be obtained to enable hoarding over the highway network. This can be completed at the County Councils Web site at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/hoarding-on-the-highway.aspx>

#### 6. Working Hours

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team [ecp@dacorum.gov.uk](mailto:ecp@dacorum.gov.uk) or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

#### 7. Waste Management

Under no circumstances should waste produced from the development be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

8. Invasive and Injurious Weeds

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at

<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

9. Nesting Birds

All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Conservation & Design (DBC)	<p>This is an open area of ground between station road and the railway. There have been previous applications and appeals in the general area over time.</p> <p>The proposed new dwelling would generally be acceptable in relation to its appearance however it would be recommend that some minor alterations be undertaken to ensure it sat comfortably within the conservation area.</p> <p>It would be recommended that the number of rooflights to the street be reduced to minimise the visual clutter. Therefore we would recommend that a window be put into the gable elevation of the proposed playroom. This would also help the appearance of the elevation and it would break up the brickwork and add interest to what would be a prominent gable. The rooflight to the front could therefore be removed. Similarly given the other attic room is proposed as an office it would be recommended that the second rooflight be removed and added to the rear. Alternatively a obscure glazed window could be added to the gable.</p>

	<p>In addition it would be recommended that the chimney be added to one or other gable end rather than the centre of the house. This would relate better to the design concept of the building and appear more historically accurate. The width of the chimney should be increased to better reflect the general character of the house and the wider area.</p> <p>Recommendation: The above points should be addressed to improve the visual appearance and allow the building to sit comfortably within the conservation area.</p>
Historic Environment (HCC)	<p>In this instance, I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I therefore have no comment to make upon the proposal.</p>
Canal & River Trust	<p>Thank you for your consultation.</p> <p>We are the charity who look after and bring to life 2000 miles of canals &amp; rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.</p> <p>Based on the information available our substantive response (as required by the Town &amp; Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is that the Trust has no comment to make on the proposal.</p>
Berkhamsted Town Council	<p>Objection</p> <p>The Committee noted that Highways have recommended refusal as the gravel area is part of the adopted highway and not official parking as inaccurately shown in the proposals. The plans showing parking in this area may mean any grant formalises it as use for parking which is unacceptable. Further, the verge has the potential to be improved as Hertfordshire County Council (HCC) sees fit and the parking illustration does not allow this which conflicts with the policies stipulated in HCC's Local Transport Plan, 2018.</p> <p>It was also noted that Environment &amp; Community Protection have suggested refusal until a BS8233 noise assessment is provided.</p> <p>The Committee strongly objected to this proposal, which, if permitted, would result in loss of parking provision and tandem parking in an already heavily congested residential area in the Conservation Area.</p>

	<p>The loss of this important amenity to existing residents will be compounded by increased congestion, road safety problems, access difficulties and danger to pedestrians. The plans are inaccurate and do not reflect the realities of the site which is irregular in shape and sloping. Noise levels in the garden, from the main West Coast line which runs to the rear of the property, could be excessive. This, combined with the resultant vibration and lack of garden space, would make these ill-designed houses unsuitable as homes with an unacceptably low-level of amenity. The negative impact on trees and wildlife from the proposed development was also considered to be a concern.</p> <p>It was concerning and disappointing to the Committee that excavation work has already commenced in plot 3.</p> <p>Objection</p> <p>P120; CS11; CS12; CS 27; Appendix 3 (i), (ii), (iv), and (vi), Appendix 5, noise, highways.</p>
<p>Environmental And Community Protection (DBC)</p>	<p><u>Received 14/07/23</u></p> <p>The noise impact assessment appears as though the relevant guidelines can be achieved in theory, if the developers use the appropriate materials and design outlined in the report.</p> <p>What I would expect is a scheme/detail from the developers confirming they will follow this direction to achieve the levels set out in the NIA and also, how the foundations are to be designed/altered in order to mitigate the vibration risk that the assessment predicts.</p> <p>In addition to that we would look to add the below informative comments due to the site location and surroundings.</p> <p>Working Hours Informative Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also</p>

be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

#### Waste Management Informative

Under no circumstances should waste produced from the development be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

#### Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

	<p>Invasive and Injurious Weeds - Informative</p> <p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
<p>Environmental And Community Protection (DBC – Scientific Officer)</p>	<p><u>Received 03/07/23</u></p> <p>Just confirming no change to previous land contamination advice.</p>
<p>Environmental And Community Protection (DBC – Scientific Officer)</p>	<p><u>Received 06/06/23</u></p> <p>Having reviewed the planning application, including the Brown 2 Green Preliminary Risk Assessment Report (ref. 3270/Rpt1v1) dated March 2023, I am able to confirm that there is no objection to the proposed development. However, it will be necessary for the following planning conditions to be included on the planning permission should it be granted. The below condition is considered necessary because the submitted report (ref. 3270/Rpt1v1) is not specific to the application site and as such the possibility of ground contamination associated with historical and current land uses has not been appropriately assessed.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written Preliminary Environmental Risk Assessment Report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the</p>

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 (including an options appraisal and verification plan); 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 to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

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

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.



	<p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are considered to be in line with paragraphs 174 (e) &amp; (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here <a href="https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm">https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</a></p>
<p>Environmental And Community Protection (DBC)</p>	<p><u>Received 24/05/23</u></p> <p>Regarding this consultation, while I can see noise from construction in the CMP being addressed and acoustic fence details provided there doesn't appear to be any Noise Impact Assessment or Management Scheme that relates to protecting the development from existing noise.</p> <p>Clearly it's been considered, hence the acoustic fence details but nothing to detail or justify the height, location, specification and so on has been attached to the application that I can see?</p> <p>Without a BS8233 assessment detailing the existing noise, mitigation required and so on; I can't make any comment on this application in relation to noise prior to determination and would be minded to suggest refusal until this has been provided.</p>
<p>BCA Townscape Group</p>	<p>Comment from BCA Townscape Group</p> <p>Objection</p> <p>The BCA concurs with the views of Herts Highways and the Conservation Officer in objecting to this application.</p>
<p>Network Rail</p>	<p>With reference to the protection of the railway, Network Rail has no objection in principle to the proposal, but below are requirements which MUST be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary.</p> <p>For further general information on interfacing with Network Rail please see the link on our website: Living by the railway - Network Rail</p> <p>To the council - please forward the attached documents/forms/asset</p>

protection contact details to the applicant for actioning. An interface with Network Rail is REQUIRED for this proposal - the outside party is advised that Network Rail will need to agree and supervise this proposal.

This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway.

Please note that Network Rail may submit further comments on this proposal if required in addition to the comments below.

Network Rail recognises that conditions are imposed for a planning purpose and that they are fairly and reasonably related to the development and not be manifestly unreasonable. We believe that the comments included in this email are indeed fair and reasonable and relate to Network Rail's need for the developer to ameliorate the impacts that might otherwise flow from the proposal & that the local planning authority should take into consideration the potential for the proposal to impact nationally significant transportation infrastructure and that this is reflected in the decision notice with the relevant conditions as outlined below.

Network Rail asset protection has informed me that they have not received an enquiry for this site prior to the planning consultation despite it being adjacent to the existing operational railway boundary. Please see the link here which quite clearly states that, "To help you achieve your time frames please contact us as early as possible in your planning process, this will enable us to best support you in delivering successfully." Could you please ensure that if developers contact you with proposals that could impact the railway, that they take into account its proximity to the development and mitigate their proposals as required by Network Rail including interfacing with our asset protection teams in the first instance prior to submission of a planning application.

[Link: Asset Protection and Optimisation - Network Rail](#)

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by

outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

#### Obligations

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

#### RAMS

The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

Network Rail would request that a condition is included in the planning consent as follows:

"A method statement and risk assessment must be submitted to the council and Network Rail for review and agreement prior to works commencing on site."

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

#### Fencing

The applicant will provide at their own expense (if not already in place):

A suitable trespass proof fence of a minimum height of 1.8m to the boundary with the railway/railway land.

The fence must be wholly constructed and maintained within the applicant's land ownership footprint.

All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.

The fence is REQUIRED be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments. Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.

Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land. Proposal fencing must not be placed on the boundary with the railway.

Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review. The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

New residents of the development (particularly minors) may not be aware of the risks posed by accessing the railway. It would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by outside party development adjacent to the railway.

A condition to be included in the planning consent as follows:

"Prior to occupation of the site the developer is to provide a suitable trespass proof fence adjacent to the boundary with the railway; the fencing details to be submitted to the council and Network Rail for agreement."

Reason: To protect the adjacent railway from unauthorised access

#### Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by Network Rail prior to implementation.

#### Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.

All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint. Buildings, windows and structures must not over-sail Network Rail air-space/boundary.

Any future maintenance must be conducted solely within the applicant's land ownership. Rainwater goods must not discharge towards or over the railway boundary

Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.

Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Network Rail land must not be included in the proposal / red line location plan area. Where any works are proposed the applicant is advised to contact: [PropertyServicesNWC@networkrail.co.uk](mailto:PropertyServicesNWC@networkrail.co.uk) in addition to any planning consultation comments to determine if the proposal will impact any Network Rail land ownership rights or any rights of access for the avoidance of doubt.

#### Lighting

To ensure the ongoing safety of the operational railway the applicant's lighting design must demonstrate no overspill of light onto Network Rail land.

### Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

Fall into the path of on-coming trains

Fall onto and damage critical and safety related lineside equipment and infrastructure

Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

Network Rail would request a condition is applied as follows within the planning consent:

"Details of scaffolding works within 10m of the railway boundary, to be submitted to the council and Network Rail for agreement."

Reason - In the interests of protecting the railway and its boundary from over-sailing scaffolding.

### Vibro-Impact Machinery

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement.

All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.

The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track. If vibro-impact equipment is to be used we would request a condition is added to the planning consent as follows:  
"Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to the LPA and Network Rail."  
Reason - to prevent any piling works and vibration from de-stabilising or impacting the railway.

#### Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, must remain open and unblocked (24/7, 365 - around the clock) both during construction works and as a permanent arrangement.

The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land.

The applicant is reminded that each Network Rail has a specific right of way and as such any developer is requested to contact the Network Rail Property Services Team to discuss the impact of the proposal upon our access.

#### Drainage proposals and Network Rail land

The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

All surface waters and foul waters must drain away from the direction of the railway boundary.

Soakaways for the proposal must be placed at least 30m from the railway boundary.

Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.

Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.

Proper provision must be made to accept and continue drainage discharging from Network Rail's property.

Drainage works must not impact upon culverts, including

culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway - any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.

The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.

Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

Consideration of the impacts upon railway drainage of Astro-Turf/plastic lawn replacements, both during construction and any future inclusion of said Astro-turf by residents going forward.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed 'elsewhere', i.e. on to Network Rail land.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.



Network Rail would request that a condition is included in the planning consent as follows:

*"Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority and Network Rail."*

Reason: To protect the adjacent railway from the risk of flooding, soil slippage and pollution.

The Council must ensure that suitable arrangements are in place for the maintenance and renewal of all new/amended drainage for the life time of the development, to mitigate risk of flooding to any adjoining land.

Excavation and Earthworks and Network Rail land:

The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

Alterations to ground levels

De-watering works

Ground stabilisation works

Works to retaining walls

Construction and temporary works

Maintenance of retaining walls

Ground investigation works must not be undertaken unless agreed with Network Rail.

Confirmation of retaining wall works (either Network Rail and/or the applicant). Prior to the commencement of works on site the applicant must confirm with Network Rail if there are any retaining walls/structures and the applicant must interface with Network Rail to ensure that no retaining structures are impacted on a permanent basis by their proposal.

Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.

For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to re view and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend

beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Network Rail requests a condition is included in the planning consent as follows:

Condition:

"Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail."

Reason: To protect the adjacent railway and its boundary.

#### Boundary treatments

Any structures on the applicant's land which runs seamlessly into a section of Network Rail infrastructure will require Network Rail agreement/comments and interface/supervision to ensure that there is no impact to or increase in risk to Network Rail assets.

#### 3m Gap

Network Rail REQUIRES that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments. No part of the structure should over-sail the railway boundary or discharge rainwater goods onto or toward the railway boundary.

#### Noise

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.

The NPPF states, "182. Where the operation of an existing business or community facility could have a significant adverse effect on new

development (including changes of use), in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

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.

To note are:

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night-time train running, heavy freight trains, trains run at weekends /bank holidays.

Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.

Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.

Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature and may occur at any time of the day or night, during bank holidays and at weekends.

Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.

The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.

The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.

Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.

Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.

Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.

Noise and Vibration Assessments should take into account any railway

depots, freight depots, light maintenance depots in the area. If a Noise and Vibration Assessment does not take into account any depots in the area then the applicant will be requested to reconsider the findings of the report.

Railway land which is owned by Network Rail but which may be deemed to be 'disused' or 'mothballed', may be brought back into use. Any proposals for residential development should include mitigation measures agreed between the developer, their acoustic contractor and the LPA to mitigate against future impacts of noise and vibration, based on the premise that the railway line may be brought back into use.

Works may be carried out to electrify railway lines and this could create noise and vibration for the time works are in progress. Electrification works can also result in loss of lineside vegetation to facilitate the erection of stanchions and equipment.

### Trees

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

No trees shall be planted next to the boundary with the railway land and the operational railway, except for evergreen shrubs which shall be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height. The vegetation planting must be in line with the attached matrix which has been agreed with the Tree Council. This is to prevent long term issues with leaf fall impacting the operational railway.

### Parking / Hard Standing Area

As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

hard standing areas

turning circles

roads, public highways to facilitate access and egress from developments

Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

Network Rail requests that a condition is included within the planning consent as follows:

"Details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to the Local Planning Authority (in consultation with Network Rail.)"

Reason: to prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.

BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal

Link to ASPRO ACE Portal ASPRO Network Rail Implementation (oraclecloud.com)

From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party.

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway (as outlined in this response) the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions). Network Rail recommends that the applicant ensures that the BAPA is in place and that Network Rail has reviewed and agreed the documents as part of the discharge of any conditions.

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any

	<p>works commence on site.</p> <p>Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.</p> <p>Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor.</p> <p>Once the attached Asset Protection Questionnaire/dev link has been completed and forwarded to the team the enquiry will then be processed and an email sent to the applicant giving a project reference number and name of person with the asset protection team that will deal with the enquiry.</p>
Thames Water	<p>Thank you for consulting Thames Water on this planning application.</p> <p>Having reviewed the details, we have no comments to make at this time.</p>
Trees & Woodlands	<p>With regard to Planning Application 23/00974/FUL.</p> <p>Although the applicant has submitted tree information it does not advise how trees will be protected throughout the development. As such, I require the applicant to submit more information in the form of a Tree Protection Plan, as described in BS 5837 (2012) - Trees in Relation to Design, Demolition and Construction.</p>
Natural England	<p>NATURAL ENGLAND'S ADVICE  OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> <li>• Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> </ul>

	<ul style="list-style-type: none"> <li>• Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p>
Hertfordshire Highways (HCC)	<p><u>Received 16/08/23</u></p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number TL-4870-23-100C in accordance with details/specifications that have been submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.</p> <p>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>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a 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</p>

obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN 2) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN 3) Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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ents/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

AN 5) 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 County Council website at:

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

AN 6) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

AN 7) A licence must be obtained to enable hoarding over the highway network. This can be completed at the County Councils Web site at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/hoarding-on-the-highway.aspx>

#### Comments

The proposal is regarding amendments for the proposed detached dwelling house at Plot 3, Land Between 26 and Collins Bridge, Station Road, Berkhamsted. Station Road is a 20 mph unclassified local distributor route that is highway maintainable at public expense. This site is located next to a development of two dwellings, however, this site is just in relation to one dwelling.

#### Highway Matters

Station road currently has on street parking which reduces the width of the road to single width. The dwellings opposite the site have no off street parking. There is informal parking on the highway verge adjacent the proposed site. The gravel area fronting the site location is part of the adopted highway network and therefore has highway rights upon it. The kerb in this location is not a dropped kerb and it is not deemed a formal parking area owing to the lack of any dropped kerb or any hardstanding material to ensure that debris is not brought onto the highway network (which is an offence).

Therefore, this location is not formal parking and is unlikely to be formalised owing to the parking spaces not meeting safe standards as stipulated in Hertfordshire County Council (HCC) design guide. This area has the potential to be used in the future for improvements such as a footway. There is proposed to be a dropped kerb to access two parking spaces which meets the standards stipulated within HCC's Dropped Kerb Policy. The dropped kerb must be completed by a contractor who has been chosen by HCC and is authorised to work on Highway maintainable land - please see informative 1. The dwelling will be located 150 metres from Berkhamsted station which provides links to the wider area.

#### Drainage

Drainage must be provided within the drive to ensure surface water does not run into the highway as this is an offence under the Highway Act 1980.

#### Emergency Vehicle Access

The proposed dwelling is within 45 metres of the highway network to all parts of the building which is in accordance with Building Regulations ensuring that a fire appliance can access a the site in case of an emergency.

#### Construction Management Plan

The applicant has now provided a site construction management plan along with the construction management plan details document. This application is in relation to one dwellings, normally a construction management plan for this scale of development would not be required. However, owing to the many complexities surrounding this location a CMP has been provided. The CMP has addressed the points requested previously and ensures that a reduced impact to the highway network is created along this route. Hoarding has been placed within the highway verge to ensure no informal parking is occurring in front of the site accesses which ensures that construction employees and materials can be located on site. Please see informative 7 in relation to obtaining a hoarding licence and informative 2 in relation to the nature of the CMP going forward. The site access must be constructed prior to commencement of construction to ensure no construction vehicles are mounting the kerb and verge to enter the site which is currently happening in regards to the informal parking.

#### Conclusion

HCC Highways would not wish to restrict a grant of permission for the

	proposal subject to the inclusion of the above condition and informatives.
Hertfordshire Highways (HCC)	<p><u>Received 14/06/23</u></p> <p>This is an interim to determine more information regarding the hoarding for the site. The CMP states;</p> <p>"At commencement the perimeter of the site will be established and securely protected with Heras fencing with attached sheeting and timber hoarding where appropriate."</p> <p>As this site is contentious and there is informal parking fronting the site we would like to know the rough location of any hoarding just to ensure the right steps are taken to ensure the highway is minimally impacted. Once this has been provided then HCC Highways can make an informed recommendation.</p>
Hertfordshire Highways (HCC)	<p><u>Received 23/05/23</u></p> <p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:</p> <p>1) The gravel area fronting the proposed dwelling is part of the adopted highway network and therefore subject to highway rights. Drawing number TL-4870-23-100B illustrates vehicles parking within the previous mentioned verge which is not official parking and lacks any dropped kerb.</p> <p>Therefore, the plans having parking shown within this area may mean any grant formalises this area as use for parking which is not acceptable. This verge has the potential to be improved as Hertfordshire County Council (HCC) sees fit and the illustration of parking does not enable this which goes against policies stipulated in HCC Local Transport Plan (adopted 2018).</p> <p>2) The Construction management plan lacks enough detail to satisfy that the construction of the dwelling has suitable mitigating measures to ensure the highway network is not greatly impacted by the development. This has the potential to cause safety issues and therefore would go against policy 5 within Hertfordshire County Council Local Transport Plan (adopted 2018)</p> <p>Comments</p>

	<p>The gravel area fronting the site location is part of the adopted highway network and therefore has highway rights upon it. The kerb in this location is not a dropped kerb and it is not deemed a formal parking area owing to the lack of a dropped kerb or any hardstanding material to ensure that debris is not brought onto the highway network (which is an offence). Therefore, this location has the potential to be improved by the Highway authority at anytime it chooses to do so and any dropped kerb for the proposal must meet standards stipulated by HCC Highways. The illustration of parking within this area has the potential, if the plans were approved, to formalise the parking in this area which is not acceptable with the current layout. Therefore, this needs to be removed from the plans.</p> <p>A second issue is the lack of detail regarding the Construction management plan (CMP). Although, often not required on small developments such as this one dwelling, the nature of the area requires it to satisfy the issues of the surrounding are and therefore the CMP should include at the very least a CMP site map to ensure all statements within the CMP can be met. This would include matters such as on site parking and delivery of material locations to ensure disruption is mitigated against and the highway network is not significantly impacted.</p> <p>Conclusion</p> <p>HCC as Highway Authority is recommending that the application be refused for the reason stated at the beginning of this response.</p>
Hertfordshire Highways (HCC)	<p><u>Received 12/05/23</u></p> <p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons: Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:</p> <p>1) The proposed access arrangements are not in accordance with Hertfordshire County Council's (HCC) specifications as documented in 'Roads in Hertfordshire; Highway Design Guide' and has the potential to interfere with the free and safe flow of highway users on the adjacent local access road. The proposals are therefore contrary to policy</p>

guidelines as outlined in 'National Planning Policy Framework (NPPF)' 2012 and HCC's 'Local Transport Plan' 2018.

#### Comments

The proposal is for the Construction of a proposed detached dwelling house at Plot 3 Land Between 26 And Collins Bridge, Station Road, Berkhamsted. Station Road is a 20 mph, unclassified local distributor route that is highway maintainable at public expense.

Having investigated all the relevant drawings and plans for this application, HCC Highways would wish to recommend a refusal for this application owing to the creation of a new dropped kerb that would link to an 'approved' dropped kerb for the adjacent site. HCC Highways would normally recommend a maximum of 5.4 metres (4 dropped kerbs and 2 risers) for a dropped kerb as per guidance within Hertfordshire's dropped kerbs: terms and conditions and Hertfordshire's Design Guide. However, for a double dropped kerb a 7.2 metre (6 dropped kerbs, 2 risers) vehicle cross over may be permitted. The proposed dropped kerb would be wider than 7.2 metres including the neighbouring dropped kerb if extended. Therefore, the widening of the existing dropped kerb would make it larger than 7.2 metres which is against stipulations within HCC Highway design guide. The gravel area fronting the site location is part of the adopted highway network and therefore has highway rights upon it. The kerb in this location is not a dropped kerb and it is not deemed a formal parking area owing to the lack of a dropped kerb or any hardstanding material to ensure that debris is not brought onto the highway network (which is an offence). Therefore, this location has the potential to be improved by the Highway authority at any time it chooses to do so and any dropped kerb for the proposal must meet standards stipulated by HCC Highways.

A second issues is the lack of detail regarding the Construction management plan (CMP). Although, often not required on small developments such as this one dwelling, the nature of the area requires it to satisfy the issues of the surrounding area and therefore the CMP should include at the very least a CMP site map to ensure all statements within the CMP can be met. This would include matters such as on-site parking and delivery material locations, to ensure disruption is mitigated against and the highway network is not significantly impacted.

#### Conclusion

HCC as Highway Authority is recommending that the application be refused. The access arrangements are not in accordance with the Highway Authority's specifications and have the potential to interfere

	with the free and safe flow of vehicles, pedestrians and other highway users on Station Road. HCC is therefore unable to recommend the granting of permission for this application and would recommend that the DBC refuse the application.
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
11	29	1	27	0

### Neighbour Responses

Address	Comments
19 Station Road Berkhamsted Hertfordshire HP4 2EY	<p>I strongly object to this over development within a conservation area.</p> <p>Station road is well known to have inadequate parking facilities for existing residents. This plan further removes existing parking spaces while causing additional daily traffic movement which will exacerbate an already chaotic and dangerous situation.</p>
23 Ravens Lane Berkhamsted Hertfordshire HP4 2DZ	<p>This proposal is clearly over development.</p> <p>Living in the area and being dependant on street parking, the spaces on Station Road are an invaluable asset in ensuring we can park within a reasonable distance of our property with our 2 young children.</p> <p>Slashing the number of parking spaces available cannot be good in an area where parking is already uncontrolled and regularly used by commuters as free parking for the day.</p> <p>Station Road is already difficult to navigate as it is single lane due to parked vehicles with cars being forced to reverse over 50m at times to unclog gridlocks.</p> <p>The area is dense with housing with little green space and this proposal removes what little is left in the area.</p> <p>Anyone living locally would, without a doubt, reject this proposal immediately as its approval will cause distress and discomfort to local residents.</p>
18 Station Road Berkhamsted Hertfordshire HP4 2EY	<p>I strongly object to this proposal.</p> <p>As most local residents know, Station Road is difficult to pass through at the best of times and great difficulties and conflicts of cars passing are all too common at the moment.</p> <p>The proposed dwellings will massively increase the problem and</p>

	increase the pollution levels.
Saffron Lawn Gravel Path Berkhamsted Herts HP4 2PJ	<p>Dear Planning Department,</p> <p>As residents of Station Road, we wish to register an objection to this proposed development. All the issues that were previously brought before the planning in Decorum still apply.</p> <p>Noise from the road &amp; railway to the residents.</p> <p>Loss of much needed parking.</p> <p>More traffic in an already congested road.</p> <p>No pavement on north side of road, so a danger to anyone attempting to come out of proposed dwellings to cross road.</p> <p>More pollution.</p> <p>More danger to pedestrians as cars already drive fast.</p> <p>Common lizards and their habitat will be destroyed.</p> <p>Far too narrow site.</p> <p>Trees on embankment will die due to excavations.</p> <p>Quite honestly, the whole development is completely bonkers. I'm surprised that planning permission was granted for two dwellings, let alone three.</p> <p>I enclose a cartoon drawn by my husband who has XXXXX and could do without the noise, disruption and general mayhem caused by this development.</p>
23 Chapel Street Berkhamsted Hertfordshire HP4 2EA	<p>I object to the proposal, as it will result in the loss of a number of parking spaces in Station Road, which is part of an area of Berkhamsted in which parking is already very limited. This will make it even harder than at present for residents to find spaces to park, not only in Station Road itself, but also in other streets in the area.</p> <p>The proposal will also increase traffic in Station Road and the surrounding streets; all these streets are already very busy and congested, particularly at the start and end of the school and working days. The high volume of traffic presents a significant safety risk to pedestrians in the area, particularly the many young families living in Station Road and nearby streets.</p>
12 Gilders Sawbridgeworth Sawbridgeworth CM21 0EF	<p>This development would be ideal for the inclusion of integrated Swift Bricks within the walls of the proposed dwellings. The preliminary ecological appraisal makes reference to such an enhancement, and such bricks that meet British Standard BS 42021:2022 are used by four red-listed species of conservation concern: Swift, House Sparrow, Starling and House Martin</p>

	<p>Swifts are recorded as nesting in Berkhamsted on the RSPB's Swift Mapper website: <a href="http://www.swiftmapper.org.uk">www.swiftmapper.org.uk</a> - including close to this development on Old Mill Gardens and Greene Field Road, with further screaming parties (indicative of very likely nesting) on Lower Kings Road, Millfield and High Street amongst others. For this reason, inclusion of such bricks would amount to a real ecological enhancement of the development</p> <p>Installation of such bricks high up on the east facing gable end of the building would be a suitable place.</p> <p>I suggest that a specific condition is made to require a LEMP or details of such bricks as follows: "no development shall take place until details are supplied in writing of 2 integrated Swift bricks, including make and location. Such bricks to be installed prior to first occupation of the dwellings"</p> <p>A specific condition such as this is preferable to ensure compliance, especially given recent planning breaches relating to Swift boxes that have been reported to Dacorum Borough Council</p>
<p>10 Gravel Path Berkhamsted Hertfordshire HP4 2EF</p>	<p>The main issue with the proposed plans is the worrying lack of parking. The parking on station road is already inadequate for the residents and this proposal plans to displace a significant number of parking spaces (around 23-26) that the local residents are currently reliant upon.</p> <p>A few months ago, the side of the road where the proposed development is was blocked off for a few days to complete works on the electrical box. This displaced around 20 parking spaces and this caused significant parking issues for residents. We were left driving around Berkhamsted for up to 20 minutes at a time trying to find parking and at times having to park many roads away from our property. Many of the residents on station road have young children or mobility issues and should be able to park on the road they live on. Given that the proposed development will remove around 25 parking spaces we ask that it is resubmitted with a long term plan outlining a resolution to the parking for existing residents of station road and gravel path.</p> <p>This is an already busy street of the village as a main access route to the train station and schools. There is only space for one way traffic when cars are parked and the plans do not outline how to mitigate the growing pressure on the local highway network. I believe the proposed plan will exacerbate the traffic and noise pollution both chronically in the short term whilst development is taking place but also in the long term with more residents and less parking.</p> <p>We ask that the developer carries out a 24hour traffic survey to include peak hours and present the findings before any further conclusions are drawn.</p> <p>Finally, this is a conservation area and the proposal seeks to cut down an area of trees which our home looks directly onto. Not only will this be a visual intrusion and loss of light for our property, but will also disrupt a long-standing local ecosystem in an area of natural beauty.</p>



<p>5 Brackenhill Berkhamsted Hertfordshire HP4 2PU</p>	<p>I object to this proposed development on the basis that it will increase the traffic and burden on local infrastructure. This is already a highly congested area with several bottlenecks impacting traffic to and from Station Road and Gravel Path - one of the main roads in to Berkhamsted. I also have concerns about the over development of the Conservation Area.</p>
<p>3 Gravel Path Berkhamsted Hertfordshire HP4 2EF</p>	<p>I'm hoping you'll understand the local perspective on this proposition. I see this as an abhorrent use of space, ill thought out, inconsiderate to its neighbours and wholly out of character with life in Berkhamsted. To demolish a plot of nature and replace it with a dwelling for sale is only in the best interest of the developer. It is not in the best interest of the local community and does not conform to a conservation area. In addition it is not taking into consideration the myriad of health and safety factors this project has - the risk factors are far too high. I say "No" to the development.</p>
<p>27 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p><b>*OBJECT*</b></p> <p>As a resident of station road I strongly object to the proposal of a 3rd house being built. Traffic is already out of control on station road which is mainly caused by parking on the road. You will be taking away more parking spaces causing more traffic and less space for residents. This is poor planning, no thought has been given to station road residents.</p>
<p>23 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>The proposal uses land that does not belong to the developer and would result in the loss of many parking spaces which the area cannot afford to lose. The development would exacerbate the worsening congestion problems we experience and road user safety would be impacted.</p> <ul style="list-style-type: none"> <li>- A previous parking survey findings did not represent the reality of the parking situation in the area.</li> <li>- The proposed development area is extremely shallow, and in a previous application the planner admitted the plans were not drawn to scale. Indeed it looks as though this is the case again as the plans are shown on a rectangular plot, whereas in reality the plot tapers towards the bridge end.</li> <li>- The development would involve loss of habitat and the felling of mature trees which shield us from the noise of the West Coast mainline directly behind the development.</li> <li>- Living directly opposite the proposed development, our privacy would be impacted.</li> </ul>
<p>12 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>I strongly object to this proposal.</p> <p>This is nothing more than aggressive overdevelopment to benefit the commercial interests of the landowner and developer, which will be to the detriment to Station Road and surrounding area.</p> <p>Given this is a conservation area it should be treated as such, and unsympathetic efforts (such as this proposal) to milk value out of land by squeezing as many properties onto a plot as possible should be rejected. With respect to the conservation area guidance the council</p>

	<p>notes "all future development in the conservation area boundary should result in buildings or extensions that preserve or enhance the character or appearance of the conservation area." With that in mind it is hard to see how this proposal can be accepted? There are plenty more logical sites in and around Berkhamsted in which housing provision can be met.</p> <p>Furthermore, as has been widely noted, the traffic situation on Station Road is already dire and traffic regularly brought to a standstill as it simply cannot pass in either direction in a small, congested street. The parking provision on Station Road is strained beyond breaking as it is routinely used by rail commuters or students at the nearby school. Because of the reconfiguring of the streetscape and parking provision contained within the approved proposal we are set to lose approximately 15 spaces, and this will be further compounded by the proposal for additional development.</p> <p>As a father with a young child I am already regularly forced to park several streets away and carry my child because we simply cannot park near our house during peak times, and this will be worsened by the further removal of parking provision that this proposal will cause. It would feel unfair that preference should be given to urban infill rather than preserving a family friendly neighbourhood.</p> <p>Based on these grounds, the council have had the wisdom to reject the various previous proposals and I would greatly appreciate them exercising the same sense towards this proposal - which is nothing more than a greedy attempt to expand the size of an already questionable development by 50%.</p> <p>Therefore I strongly object to this development.</p>
<p>10 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>We strongly object to this application.</p> <p>There is a serious challenge on Station Road regarding safety of residents, parking access and traffic and pollution. The level of parking availability is already inadequate for the existing dwellings on the road. The road is essentially used as a single track lane which not only causes daily challenges with access, but also impacts residents welfare significantly. Safety is also a vital concern as speeding is commonplace on the road due to the single lane nature of it, and drivers try to drive through before encountering another car in the opposing direction. With several houses on the road with young children, road safety this should be a primary concern for the council. The proposed application would reduce existing parking spaces, in turn exacerbating the current challenges. There has been no effort to consult with existing residents to find a mutually beneficial solution.</p> <p>Additionally, the proposals show a development that is not in keeping with the current 'look and feel' of existing dwellings - given we live in a conservation area, I believe this to be a serious failing.</p> <p>I urge planning councillors to consider the welfare and safety of existing residents when considering this application, and look to address the current parking challenges on Station Road before adding to these</p>

	<p>challenges through approval of applications like this and similar. We strongly object to this application.</p> <p>There is a serious challenge on Station Road regarding safety of residents, parking access and traffic and pollution. The level of parking availability is already inadequate for the existing dwellings on the road. The road is essentially used as a single track lane which not only causes daily challenges with access, but also impacts residents welfare significantly. Safety is also a vital concern as speeding is commonplace on the road due to the single lane nature of it, and drivers try to drive through before encountering another car in the opposing direction. With several houses on the road with young children, road safety this should be a primary concern for the council. The proposed application would reduce existing parking spaces, in turn exacerbating the current challenges. There has been no effort to consult with existing residents to find a mutually beneficial solution.</p> <p>Additionally, the proposals show a development that is not in keeping with the current 'look and feel' of existing dwellings - given we live in a conservation area, I believe this to be a serious failing.</p> <p>I urge planning councillors to consider the welfare and safety of existing residents when considering this application, and look to address the current parking challenges on Station Road before adding to these challenges through approval of applications like this and similar.</p>
<p>9 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>Application Reference 23/00974/FUL</p> <p>The reduction of a number of parking spaces will cause more problems in a road that already has significant problems with traffic and parked cars on a daily basis.</p> <p>The proposal would result in the removal of a number of trees which contribute to the visual amenity of the area. The trees in Station Road contribute to the character of the Conservation Area and their removal will have a negative impact. (The importance of trees has been emphasised in a number of government reports including 'Trees in Towns II')</p> <p>The appearance of this new development would be out of character with existing properties in the area.</p> <p>I STRONGLY object to this proposal</p>
<p>18 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>The volume and pressure of traffic in Station Road has been gradually increasing over the last 30 years as average car size increases, housing density increases and parking availability decreases.</p> <p>Effectively Station Road is a single track - many times every day traffic can be seen reversing to find escape to allow the oncoming cars to pass. The ensuing theatre is often chaotic and sometimes results in cars colliding. [Also many residents' cars have been scraped and lost wing mirrors in the process].</p> <p>Typically, the south side of Station Road is packed bumper to bumper</p>

	<p>with parked cars causing inadequate space for 2 rows of larger cars to pass. The author would be happy to pass on photographic (video and still) of such occasions.</p> <p>The proposed development of 1 dwelling is an extension of the 2 adjacent dwellings which recently gained planning permission, if work is to start on all 3 this will of course cause yet more traffic, more demand for parking and drastically lessen parking availability (see note 1*) - both during development and afterwards. This will inevitably only exacerbate the situation - likely to a level beyond chaotic.</p> <p>[Note 1* : For at least the last 30 years, the unmade 'hard' on the north side of the north kerb of Station Road and south of the potentially 3 new houses, has typically housed some 16 to 20 informally parked cars. It appears from the plans that, during development and afterwards most of these parking spaces will either disappear or be taken by plant and works. The author again has plenty of photographic evidence of parking numbers].</p> <p>Along with the inevitable increase in traffic movement there will also be a significant decrease in parking spaces and increase in demand for spaces. Anyone familiar with the road will know how difficult it is to find a parking space at the moment and the development is proposing to add more demand with more traffic - some large and cumbersome - making a bad situation into a worse one - both in terms of traffic safety and parking. Surely someone, somewhere should recognise that if such pressure is allowed to increase then the consequences are likely to worsen - beyond chaotic.</p> <p>Giving permission for this further single dwelling is very likely to be the straw that breaks the camels back (if the first 2 developments don't already). Please OBJECT.</p>
<p>23 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>I would like to voice my objection to the application, my reasons being twofold:</p> <p>1. Parking Residents of Station Road and the neighbouring streets have serious problems with parking, since there are too few spaces for each house to park a single car, and the available spaces are shared with commuters and students of Berkhamsted School. As a consequence Station Road is notorious for being a very difficult place to park during the working week. This application plans to repurpose an area currently used as parking, which will exacerbate the parking problems in Station Road and neighbouring roads, particularly George Street.</p> <p>2. Permanent loss of a wild green space The site of the proposed development is a rare thing in Berkhamsted - an attractive wild space - which contributes to the character of the eastern end of Station Road. In a Conservation Area surely these spaces are of greater importance and their preservation is ultimately the responsibility of the council. Once this wilderness is filled by a modern development the character will markedly and irrevocably change for the worse. Since there will be no going back I feel this should be seriously considered.</p>

	<p>Fundamentally I don't think the proposed site is a good place for housing. Squeezing housing onto the side of a railway embankment does not enhance the character of the area, it involves the loss of trees, the loss of roadside parking, adversely impacts on the amenities of the existing housing and does not provide good amenities for the new housing being so close to the railway.</p>
<p>15 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>I am struck by the untruth of following quotes from the Design Statement document: "The site as existing is not considered to be a positive feature within the Conservation Area." But it is considered a very positive feature, for all the residents fortunate to live by it, a green and pleasant area, the sight of which is much enjoyed.</p> <p>"The vegetation is not of high quality and the unmaintained appearance detracts from the character of the area", they say, but I think they miss the point that natural wildness is much more valuable than a maintained overdevelopment of the area.</p> <p>And as for say "this (character) is further deteriorated by the informal parking that takes place", well, really. The informal parking is very necessary for residents living their normal lives. Removing the efficient diagonal parking with end-to-end parking would reduce vehicle capacity, and there is already insufficient space. Indeed, the plans as presented do not show any parking provision at all in front of the proposed development area, which is very worrying. There is no doubt that this development would cause undue extra pressure on the present residents.</p> <p>CS27 says that this development should positively conserve and enhance the appearance and character of our conservation area. It would, however, ruin that appearance, and destroy that character. I object to this proposal, and hope the application will be turned down.</p>
<p>17 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>With reference to the application ref 23/00974/FUL - Station Road is already over-congested with traffic and parked cars causing daily chaos for drivers and residents. Adding another house on this site will only add to these problems. This is just a case of OVERDEVELOPMENT. This is supposed to be a conservation area!</p> <p>Just because the application for two houses [4/00528/19/FUL] has been approved (albeit on appeal) and are about to be built, it shouldn't automatically mean that this application should be approved too. A case for four houses was refused on a number of grounds that apply to this application that would increase the number of dwellings to three.</p> <p>I believe that this is a case where the developer (Queenswood Homes) just wants to make as much money as possible from what is a very small piece of land. Several applications to develop this land over the years have, quite rightly, been rejected for various valid reasons.</p> <p>I would also question that this is a development that will result in high quality housing. There is a lack of space on the land.</p> <p>The proposed site is close in proximity to the east coast mainline</p>

	<p>railway therefore future residents will suffer with noise and vibrations from high speed trains. I do not believe that an adequate survey has been carried out. We are expecting faster and more regular trains when HS2 is completed.</p> <p>The development will result in a loss of trees and greenery and will therefore remove the acoustic screen for the railway line. There is the possibility of Knott weed on the site.</p> <p>Tandem parking, as proposed, is a safety issue as cars will be required to exit onto what is a busy and narrow road with cars frequently putting their foot down to avoid any oncoming traffic. There will also be parked cars on the other side of Station Road, directly opposite the proposed development adding to the problem.</p> <p>The developments are not in keeping with the current area residents are restricted from developing their own properties and this house is not at all similar to those in the conservation area.</p> <p>It is not at all clear how the development of the land will keep the existing parking arrangements in Station Road. The land is used by residents and commuters. We would expect that the developer can not simply take the land and use it for their properties. This needs to be clarified for the existing and future developments.</p> <p>It is also not clear if the acoustic fence is part of the plans we were expecting to see a fence of several meters mirroring that of the existing development. This is not on the plans.</p> <p>Finally this application states that the sub station will need to be re located, yet there is not much information provided on how the power company will do this, what the new one will look like and how it will be enclosed. One impact of this is yet more loss of vegetation.</p> <p>I therefore strongly object to this development.</p>
<p>6 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>The residents of Station Road, and roads nearby, have a number of concerns that we share. The original proposal included provision for public car parking spaces but this proposal has no planned parking and will displace 20-25 existing car parking spaces. The impact on the local community and ecosystem is disproportionate to any benefit. The times of proposed construction works need to be shortened. We are concerned about the disruption that will be caused during construction works in a road that is very heavily used by local traffic and will increase the existing bottleneck of traffic. Some of the detail is vague, particularly in the CMP needs more detail such as the compound. The boundaries need to be more clearly delineated. Representatives of residents would be happy to meet and discuss issues of concern further.</p>
<p>12 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>I strongly object to this proposal.</p> <p>This is nothing more than aggressive overdevelopment to benefit the commercial interests of the landowner and developer, which will be to</p>

	<p>the detriment to Station Road and surrounding area.</p> <p>Given this is a conservation area it should be treated as such, and unsympathetic efforts (such as this proposal) to milk value out of land by squeezing as many properties onto a plot as possible should be rejected. With respect to the conservation area guidance the council notes "all future development in the conservation area boundary should result in buildings or extensions that preserve or enhance the character or appearance of the conservation area." With that in mind it is hard to see how this proposal can be accepted? There are plenty more logical sites in and around Berkhamsted in which housing provision can be met.</p> <p>Furthermore, as has been widely noted, the traffic situation on Station Road is already dire and traffic regularly brought to a standstill as it simply cannot pass in either direction in a small, congested street. The parking provision on Station Road is strained beyond breaking as it is routinely used by rail commuters or students at the nearby school. Because of the reconfiguring of the streetscape and parking provision contained within the approved proposal we are set to lose approximately 15 spaces, and this will be further compounded by this proposal.</p> <p>As a father with a young child I am already regularly forced to park several streets away and carry my child because we simply cannot park near our house during peak times, and this will be worsened by the further removal of parking provision that this proposal will cause. It would feel unfair that preference should be given to urban infill rather than preserving a family friendly neighbourhood.</p> <p>Based on these grounds, the council have had the wisdom to reject the various previous proposals and I would greatly appreciate them exercising the same sense towards this proposal - which is nothing more than a greedy attempt to expand the size of an already questionable development by 50%.</p> <p>Therefore I strongly object to this development.</p>
<p>10 Princes Close Berkhamsted Hertfordshire HP4 1JS</p>	<p>The traffic mitigation strategy included with this proposal is woefully inadequate, and does not consider the requirements of the area of the site. (Generic text used on all applications rather than written for this specific challenge.)</p> <p>Station Road is heavily used and frequently blocked due to inadequate clearance for two way traffic. The addition on construction traffic and site workers competing for parking and delivery space will cause additional traffic jams and accidents, as well as directing traffic into the conservation area on the other side of the canal (Chapel Street) and through the school site.</p> <p>There is already great concern about the effect on traffic from the previous proposal; increasing the amount of construction at the same time will cause an increase in deliveries and attempts to access the site, making the traffic disruption and likelihood of serious accidents much greater.</p>

	<p>A traffic management strategy for this site must restrict the hours in which goods can be delivered, avoiding competing with commuter times. In addition, construction of the neighbouring units should be completed before this project is undertaken.</p> <p>I also object on the removal of parking provision for the area. There is no alternative parking for residents of Station Road, so proposals to remove the few areas where traffic can pull over to let an oncoming vehicle pass must have a mitigation to offer a suitable parking alternative, especially during construction time.</p> <p>Please ensure the site is visited, and the issues of Station Road (narrow road, with a bend precluding visibility of the entire road, oversubscribed parallel parking on one side, a heavy construction merchants meaning large vehicles are frequently using the road) are considered and the effect on neighbouring homes and businesses are adequately considered. For example the developers could provide a suitable temporary car park restricted for residents use during the construction; and roadside parking could be temporarily suspended.</p> <p>This proposal is extremely unsafe, and approval of it in its current state could be seen as negligence for which the council would be liable in the event of a traffic accident on Station Road or Gravel Path as it's not just foreseeable but highly likely if this were approved.</p>
<p>17 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>With reference to the above application, Station Road is already over-congested with traffic and parked cars causing daily chaos for drivers and residents. Adding another house on this site will only add to these problems. It is just a case of OVERDEVELOPMENT. This is supposed to be a conservation area!</p> <p>Just because the application for two houses [4/00528/19/FUL] has been approved (albeit on appeal) and are about to be built, it shouldn't automatically mean that this application should be approved too.</p> <p>I believe that this is a case where the developer (Queenswood Homes) just wants to make as much money as possible from what is a very small piece of land. Multiple applications to develop this land over the years have, quite rightly, been rejected for various valid reasons. Many of these reasons apply to this application too which in effect is now for three houses on the site.</p> <p>The proposed site is close in proximity to the busy West Coast Mainline railway therefore future residents will suffer with noise and vibrations from high speed trains. We note that the developer has attached details of the proposed acoustic fencing. However it is not clear how tall it will be and whether it will meet the same standards as those proposed for the approved neighbouring development.</p> <p>Tandem parking, as proposed, is a safety issue as cars will be required to exit onto what is a busy and narrow road with cars frequently putting their foot down to avoid any oncoming traffic. There will also be parked cars on the other side of Station Road, directly opposite the proposed development adding to the problem. I would like the Council to confirm</p>



	<p>that the "unmade ground...used as informal parking" (as referenced in the planning, design and access statement) will not be used a part of the development and will remain in place for residents and commuters. This is not clear from the plans submitted.</p> <p>Finally this application states that the sub station will need to be re located, yet there is not much information provided on how the power company will do this, what the new one will look like and how it will be enclosed. Should this not have its own separate application as it is classed as a building?</p> <p>I therefore strongly object to this development.</p>
<p>16 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>I am objecting as Station Road is already over developed. It's not a one way road but its narrow and has become a nightmare with only one car able to drive down at one time. The residents have enough problems without adding more houses, traffic etc.</p>
<p>7 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>The further development of this piece of land will have a significant impact on the residents of Station Rd by increasing traffic in line with the impact on parking that has already taken place.</p> <p>No consideration has been given by the planning department of the impact of the reduced parking to residents of Station Rd and surrounding rounds that are already significantly impacted by parking issues. Station users, town users, pub users and school users all use Station Rd as a car park.</p> <p>Berkhamsted quickly needs to adopt a parking permit scheme in certain roads close to the town centre and station to alleviate parking issues.</p>
<p>8 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p><b>I STRONGLY OBJECT TO THIS DEVELOPMENT</b></p> <p>I believe this is over development of this site with the already approved adjacent houses being given the go ahead [4/00528/19/FUL] after going to appeal.</p> <p>This development should not be approved with the above application setting precedent. I don't believe the plans show the actual size of the site</p> <p><b>SAFETY:</b> Access to this property during construction will be unsafe due to the location of the junction with Gravel Path and Station Road. Access of vehicles leaving the property post development will also be an issue due to the speed at which vehicles turn at the junction to avoid further congestion in Station Road. As the other houses would already be built there would be no space for the storage of construction materials.</p> <p><b>NOISE &amp; VIBRATIONS:</b> The residents of the dwelling would suffer due to the location of the railway and how the site narrows towards it. High speed trains pass on this line</p> <p><b>SUB STATION:</b> Lack of information has been provided regarding this - impacting the eventual residents of the property, its location to Collins</p>

bridge and local residents

**ECOLOGY:** The application says there are no biodiversity implications - there were lizards on the adjacent site that need rehoming. It would therefore not be relevant at this time to permit further development until further plans are in place for these. Trees would be lost and the proposal of planting for the site is not appropriate as they are all acid loving plants which are unlikely to grow

**CONSERVATION AREA:** The development will effect the street scene in the conservation area

**PARKING:** From a safety point (above) but also a loss of to the local community which is currently on the other side of station road - used by residents and commuters.

**I STRONGLY OBJECT TO THIS DEVELOPMENT**

I believe this is over development of this site with the already approved adjacent houses being given the go ahead [4/00528/19/FUL] after going to appeal.

This development should not be approved with the above application setting precedent. I don't believe the plans show the actual size of the site

**SAFETY:** Access to this property during construction will be unsafe due to the location of the junction with Gravel Path and Station Road. Access of vehicles leaving the property post development will also be an issue due to the speed at which vehicles turn at the junction to avoid further congestion in Station Road. As the other houses would already be built there would be no space for the storage of construction materials.

**NOISE & VIBRATIONS:** The residents of the dwelling would suffer due to the location of the railway and how the site narrows towards it. High speed trains pass on this line

**SUB STATION:** Lack of information has been provided regarding this - impacting the eventual residents of the property, its location to Collins bridge and local residents

**ECOLOGY:** The application says there are no biodiversity implications - there were lizards on the adjacent site that need rehoming. It would therefore not be relevant at this time to permit further development until further plans are in place for these. Trees would be lost and the proposal of planting for the site is not appropriate as they are all acid loving plants which are unlikely to grow

**CONSERVATION AREA:** The development will effect the street scene in the conservation area

**PARKING:** From a safety point (above) but also a loss of to the local community which is currently on the other side of station road - used by residents and commuters.

<p>20 Station Road Berkhamsted Hertfordshire HP4 2EY</p>	<p>I register my strong objection to the above plan.</p> <p>Parking in Station Road &amp; surrounding streets is already farcical, whilst traffic &amp; congestion continue to pose safety issues &amp; associated problems within the area. Cars already park on the pavement less than a metre away from front doors in George St &amp; Gravel Path (causing pedestrians to walk in the road) due to the chronic parking shortage.</p> <p>Cars, parked or not, are damaged on a regular basis in Station Road due to its having become a single lane road. This proposal fails to address the issue of available parking as it will snatch existing parking. I invite you to experience the frustration of trying to park here, particularly at peak times.</p> <p>Manufacturers of the Acoustic wall describe it as cost effective. I feel it will not be effective on this site, indeed it's not fit for purpose, meeting only the bare minimum superficial mass regulation requirements. It has not been laboratory tested either.</p> <p>It is described as being only suitable for low level noise reduction - schools/parks/ construction sites which do not operate 24 hours a day, unlike trains (which aren't mentioned). Trains-including high speed- are running continually throughout the day just a few metres from the site.</p> <p>The planning states "the site..is not considered to be a positive feature within the Conservation Area". I cannot agree. It certainly IS a most welcome feature being the ONLY green oasis left in this area. I constantly appreciate this small, wild ecosystem supporting birds, hedgehogs/bats/plants/trees/butterflies/insects/foxes/small reptiles. As a nation we are seeking to address their diminishing numbers, whilst this development will see the exact opposite occur &amp; a haven of myriad species will be destroyed.</p> <p>The most shocking &amp; striking opinion within the planning presentation is the admission "there is NO back garden due to the constricted nature of the site...the amount of amenity space would be sufficient for future occupiers.."</p> <p>The only beneficiaries of this proposal will be the landowners &amp; developers, not the Conservation Area &amp; least of all the people who live here &amp; already struggle daily to find a parking space &amp; value this green oasis of calm amidst the chaos. We do not see it as "untidy &amp; deteriorating" &amp; are affronted that strangers pass judgement saying this will be a "more advantageous solution to this untidy site" - for whom?</p> <p>I urge you most strongly to reject this application.</p>
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# Agenda Item 5b

ITEM NUMBER: 5b

23/00813/FUL	Demolition of existing buildings. Construction of 7 new houses with associated parking and landscaping	
Site Address:	Convent Of St Francis De Sales Preparatory School, Aylesbury Road, Tring, Hertfordshire, HP23 4DL	
Applicant/Agent:	Mr Thomas Doughty	Mrs Jill Bell
Case Officer:	Sally Robbins	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	Contrary view of Tring Town Council	

## 1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

## 2. SUMMARY

2.1 The principle of residential development in this location is acceptable. The proposal comprises the demolition of the existing building on site and the construction of a cul-de-sac comprising seven detached two-storey dwellings with associated new access road, landscaping and parking. The proposed development would optimise the use of available land within an established residential area and the design would sit comfortably within the surrounding area, noting the prevailing form of development within the streetscene. There would be no harm to the adjacent conservation area and any nominal heritage harm caused by the demolition of the existing building would be outweighed by other considerations. The amenity space and parking provision are considered acceptable and the proposal will not have a significant impact on the living conditions of existing neighbouring properties.

2.2 The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS4, CS10, CS11, CS12 and CS27 of the Core Strategy and the NPPF.

## 3. SITE DESCRIPTION

3.1 The application site is located on the north side of Aylesbury Road in Tring. The site comprises a two storey detached building that was previously used as a convent. Site levels rise upwards towards the north, away from Aylesbury Road. The boundary with Aylesbury Road comprises dense, mature trees and vegetation, which provides substantial screening from public view. The site is surrounded to the north, east and west by residential development, most notably new residential development on St Francis Close, which is a modern development comprising 31 units (planning permission ref. 4/03167/17/MFA).

## 4. PROPOSAL

4.1 The application seeks full planning permission for the demolition of the existing building on site and the construction of 7 x two-storey detached dwellings with associated parking and landscaping. The dwellings would be situated within a new cul-de-sac, formed off St Francis Close. Plot 1 would have its frontage facing onto St Francis Close, whilst plots 2-7 would have frontages facing onto the new cul-de-sac. Each dwelling would comprise 4 x bedrooms and would have off-street parking for 3 vehicles, with 2 additional visitor spaces for the whole development.

4.2 The proposal is an amended scheme following refusal of application ref. 22/00456/FUL. The amendments comprise changes to the rear façades of plots 3-6, which now include gable-end projections. In addition, the footprint of plots 3-6 has been reduced at the rear by the reduction of the single storey element.

## 5. PLANNING HISTORY

5.1 The proposed development is a re-submission of a previously refused scheme (ref. 22/00456/FUL). The reasons for refusal were as follows:

*1. The development would result in the loss of what is considered to be a non-designated heritage asset which makes a positive contribution to the architectural history of the area, with little weight being given to the permitted development fall back position for its demolition. It is also considered the proposal would result in less than substantial harm (at a low level) to the setting of a designated heritage asset (The Tring Conservation Area) due to the relationship of the development to Aylesbury Road and plots 3-6 elevated positioned above the road combined with lack of facade to this frontage. It is also likely a close boarded fence would demarcate the rear boundaries on a raised level above Aylesbury Road. This would work against the currently open and landscaped approach into the Conservation Area and thereby impact on its setting.*

*Little weight is given to existing landscaping along Aylesbury Road in screening the development, as this could change over time. Furthermore, much of the vegetation and smaller trees within this grouping could be removed without permission. Additionally, the development would result in a shortfall in parking provision. It is considered this could be addressed through amendments. However, this would likely result in further harm due to the need to push back plots 3-6 closer to Aylesbury Road (to accommodate more parking to the front) and increased dominance of hard surfacing within the site.*

*It is considered that the provision of 7 new dwellings on site would not outweigh the harm identified above. Due to this, it is considered that the proposal would be contrary to Policies CS11, CS12 and CS27 of the Core Strategy (2013).*

*2. The application does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to policy CS26, paragraph 175 of the NPPF (2021), and the requirements of the Habitats Regulations 2017 and 2019.*

5.2 The design of the dwellings has been amended in the current proposal in order to overcome the design concerns in reason for refusal no. 1. However, the general layout is similar and quantum of development is the same for the current proposal as the previous scheme.

5.3 In terms of the loss of the existing building on site, i.e. the non-designated heritage asset referred to in reason for refusal no. 1, an application for prior approval to demolish it under permitted development was submitted to the Council on 17 November 2022 (ref: 22/03433/DEM). The application was initially refused by the Council on the grounds that insufficient information had been submitted in relation to site remediation, however the decision notice was issued beyond the statutory determination period.

5.4 The Council therefore acknowledges that the application was determined out of time and that the decision notice has no legal effect and is null and void. The existing building can therefore be

demolished under permitted development within a 5-year period from the date of submission of the application.

5.6 In terms of reason for refusal no. 2, the proposed development would be eligible to financially contribute to the Council-led mitigation strategy, which would be secured via legal agreement should planning permission be granted.

### **Planning Applications:**

22/03433/DEM - Demolition of the existing building at the former Convent of St Francis de Sales  
*Determined out of time (null and void – demolition can proceed) - 20th December 2022*

22/00456/FUL - Demolition of the existing buildings. Construction of 7 new houses with associated parking and landscaping  
*REFUSED - 7th September 2022*

21/04687/ROC - Details required by Condition 20 (approved plans) attached to planning permission 4/03167/17/MFA -Demolition of existing buildings, construction of 31 dwellings, alterations to existing vehicular access on to aylesbury road, landscaping and introduction of informal public open space (amended scheme  
*REFUSED - 22nd June 2022*

21/01485/FUL - Demolition of the existing buildings. Construction of 8 new houses, with associated parking and landscaping.  
*REFUSED - 13th September 2021*

20/02236/NMA - Non Material Amendment to Planning Permission 4/03167/17/MFA (Demolition of existing buildings, construction of 31 dwellings, alterations to existing vehicular access on to aylesbury road, landscaping and introduction of informal public open space (amended scheme))  
*GRANTED - 2nd September 2020*

4/01735/18/FUL - Three detached dwellings with associated parking and landscaping  
*GRANTED - 29th July 2019*

4/03167/17/MFA - Demolition of existing buildings, construction of 31 dwellings, alterations to existing vehicular access on to aylesbury road, landscaping and introduction of informal public open space (amended scheme)  
*GRANTED - 9th March 2018*

4/01569/17/MFA - Demolition of existing buildings, construction of 40 dwellings, alterations to existing vehicular access on to aylesbury road, landscaping and introduction of informal public open space  
*REFUSED - 18th October 2017*

4/00029/16/MFA - Demolition of all existing buildings. Construction of 32 residential dwellings, alterations to the existing vehicular access onto aylesbury road, landscaping and the introduction of informal public open Space.  
*GRANTED - 16th February 2017*

### **Appeals:**

23/00013/REFU - Demolition of the existing buildings. Construction of 7 new houses with associated parking and landscaping  
*IN PROGRESS*

## **6. CONSTRAINTS**

CIL Zone: CIL2  
Tring Conservation Area  
Parish: Tring CP  
Residential Area (Town/Village): Residential Area in Town Village (Tring)  
Residential Character Area: TCA1  
Parking Standards: New Zone 3  
Town: Tring  
Tree Preservation Order: 544

## **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 (2021)  
Dacorum Borough Core Strategy 2006-2031 (2013)  
Dacorum Borough Local Plan 1999-2011 (2004)

Relevant Policies:

Dacorum Borough Core Strategy:  
NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS23 – Social Infrastructure  
CS26 – Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS32 - Air, Soil and Water Quality

Dacorum Borough Local Plan:

Policy 10 - Optimising the Use of Urban Land  
Policy 69 – Education  
Policy 99 - Preservation of Trees, Hedgerows and Woodlands  
Policy 100 - Tree and Woodland Planting  
Policy 129 - Storage and Recycling of Waste on Development Sites  
Appendix 3 – Design and Layout of Residential Areas

## Supplementary Planning Documents:

Parking Standards Supplementary Planning Document (2020)

Refuse Storage Guidance Note (2015)

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

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

- Principle of Development
- Impact on Heritage Assets
- Quality of Design / Impact on Visual Amenity
- Impact on Residential Amenity
- Impact on Highway Safety and Parking
- Other Material Planning Considerations.

### Principle of Development

9.2 Policies NP1 and CS1 of the Core Strategy seek to ensure proposals achieve sustainable development. The latter policy seeks to concentrate the majority of development and new housing within the existing towns and large villages. Core Strategy Policy CS4 states that appropriate residential development within residential areas is encouraged. Furthermore, within the Core Planning Principles outlined in the NPPF there is heavy emphasis on the planning system's responsibility to make effective use of land (section 11). Paragraph 119 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. This is supported by Saved Policy 10 of the Dacorum Borough Local Plan, which seeks to optimise the use of available land within urban areas.

### *Loss of Social Infrastructure*

9.3 The proposed development would result in the demolition of the existing building on site, which was originally part of the Convent of St Francis de Sales Preparatory School, which closed in 2014, and latterly as a boarding house by the Tring Park School for Performing Arts. The use of the building by Tring Park School for Performing Arts was on a temporary basis, whilst permanent accommodation on the Tring Park School site was sought.

9.4 Core Strategy Policy CS23 states that existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social or community service or facility is preferred. Consideration is also given to Saved Policy 69 of the Local Plan, which states that the loss of existing education facilities will not be supported unless: the new use is temporary, pending return to education use; or the site is no longer appropriate for or needed for education use.

9.5 Figure 14 in the Core Strategy lists the different types of social infrastructure, which includes early years to further education. The supporting documents state that the building on site was used as an ancillary function to a private school and was not used for teaching. It also states that a boarding house for a private school does not fall within the definition of social infrastructure and that no state school teaching space would be lost. However, paragraph 15.11 of the Core Strategy clarifies that the private sector has a strong presence in the borough and plays an important role in



providing independent school places. As such, the loss of private school facilities (including boarding accommodation) is afforded protection in the context of Policy CS23.

9.6 Notwithstanding the above, the supporting documents confirm that alternative boarding provision has been made within the grounds of Tring Park School. A new boarding house has been constructed that provides accommodation for 70 pupils (Elizabeth House, opened in 2019). As such, the previous use of the building as accommodation for an independent school has been re-provided elsewhere. The supporting documents state that the boarding house was never proposed as a long-term solution given its distance from the school (1.6km away), its size and that it requires a significant upgrade to bring it up to standard for boarding accommodation.

9.7 On balance, it is considered that the loss of the boarding house is acceptable in this instance, given that alternative provision has been made and that satisfactory evidence has been provided to demonstrate that the facility is no longer viable. Furthermore, the loss of the facility is weighed against the benefits of providing much-needed housing within the borough, in a sustainable location that would optimise the use of available land within an urban area.

#### *Loss of C2 Use*

9.8 Boarding houses are classed as residential institutions, or Use Class C2. As such, consideration must also be given to the loss of the C2 planning land use by virtue of the redevelopment of the site for residential use (Use Class C3). However, given the above assessment that the existing boarding facility is no longer required, added to the fact that the site is listed on the Council's Brownfield Land Register (area BLR/026) and thus deemed appropriate for residential development, it is considered that the proposed redevelopment for residential use is acceptable.

#### *Summary*

9.9 Taking all of the above into account, the proposal is acceptable in principle and would be located in a sustainable location that would seek to optimise the use of urban land. The proposal is in accordance with Policies CS1 and CS4 of the Core Strategy, Saved Policy 10 of the Dacorum Borough Local Plan and the NPPF.

#### Impact on Heritage Assets

9.10 Tring Conservation Area lies 30m to the west of the site. In addition, the existing building on the site has been described as a non-designated heritage asset by the Council's Conservation and Design Officer. The building is a high quality two-storey detached Edwardian villa with fine architectural features. In addition, the verdant setting within which the building sits is of importance to its setting and the wider conservation area.

9.11 Paragraph 199 of the NPPF states that great weight should be given to the conservation of heritage assets when considering the impact of a proposed development and Core Strategy Policy CS27 requires new development to protect, conserve and where appropriate enhance the integrity, setting and distinctiveness of heritage assets. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities should have special regard to preserving or enhancing the character and appearance of Conservation Areas.

9.12 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.13 In terms of non-designated heritage assets, consideration is given to paragraph 203 of the NPPF, which states that the effect of an application on the significance of a non-designated heritage

asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

9.14 The Council's Conservation and Design Officer has been consulted and commented that the design proposals of the new dwellings have now addressed the previous concerns raised with respect to the refused scheme (ref. 22/00456/FUL). The previous application cited the elevated position of plots 3-6 above the road combined with lack of facade to this frontage as a reason for refusal. The scheme has been amended to include gable projections and additional articulation at upper floor levels. This means the dwellings would sit comfortably within the site and the gable and upper floor elements would have an appropriate façade in relation to Aylesbury Road. As such, the Conservation and Design Officer does not feel that the proposal would harm the setting of the conservation area.

9.15 It is considered that the proposed development is a high quality, traditional design that would not be incongruous within this sensitive area. In addition, the proposed dwellings would retain a spacious layout, sitting comfortably within the site. The existing screening provided by the dense, mature trees and vegetation would be retained and the significant trees along the Aylesbury Road boundary are indeed protected by a Tree Preservation Order. It is therefore considered that there would be no harm to the adjacent conservation area, therefore the balancing exercise set out in paragraph 202 of the NPPF need not be undertaken.

9.16 In terms of the loss of the existing building on site, i.e. the non-designated heritage asset, an application for prior approval to demolish it under permitted development was submitted to the Council on 17 November 2022 (ref: 22/03433/DEM). The application was initially refused by the Council on the grounds that insufficient information had been submitted in relation to site remediation, however the decision notice was issued beyond the statutory determination period. The Council therefore acknowledges that the application was determined out of time and that the decision notice has no legal effect and is null and void. The existing building can therefore be demolished under permitted development.

9.17 The above is considered to be a permitted development fall-back position. In terms of the fall-back position, this is a real prospect and is given significant weight in this planning balance. Case law has established that the legal considerations in determining the materiality of a fall-back position as a planning judgement relate to the basic principle that for a prospect to be a "real prospect" it does not have to be probable or likely; instead, a possibility will suffice. In this case, however it is considered highly likely and probable that the building will be demolished. As such, significant weight is afforded to this fall-back position.

9.18 On balance, and taking all of the above factors into account, it is considered that there would be some limited heritage harm caused by the demolition of the existing building, which is considered a non-designated heritage asset. However, this is weighed against the benefits of the scheme, which includes the provision of much-needed housing within a sustainable location that would optimise the use of urban land. Furthermore, significant weight is given to the fall-back position that there is no statutory protection afforded to the existing building and that it is highly likely and probable that it will be demolished.

9.19 In summary, there would be no harm to the adjacent conservation area and limited heritage harm caused by the demolition of the existing building. It is considered that there are some minor benefits of the scheme, whereby there would be some small social/economic benefits, such as: delivery of additional dwellings to contribute to the Council's five-year housing land supply; and short-term economic benefits during the construction phase. However, given the small size of the development in terms of number of housing units, it is considered that these benefits would have limited value. Nonetheless, as outlined above, the fall-back position carries significant weight. It is

therefore considered that the limited harm caused by the loss of the existing building is outweighed by other considerations, to accord with paragraph 203 of the NPPF.

#### Quality of Design / Impact on Visual Amenity

9.20 Policies CS10, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and paragraph 130 of the NPPF seek to ensure that new developments are visually attractive and integrate with the surrounding area in terms of layout, design, scale and materials.

9.21 The surrounding area is characterised by residential development comprising older terraces and semi-detached properties to the west / northwest and more modern detached and semi-detached properties on St Francis Close to the east / northeast. Architectural styles are traditional and material finishes comprise predominantly facing brickwork and plain red or grey roof tiles.

9.22 It is considered that the proposed layout, design, scale and materiality of the dwellings would sit comfortably within the site and surrounding area. The screening along Aylesbury Road would be retained, which would further help the proposed development to assimilate into its surroundings.

9.23 Taking the above into account, it is considered that the layout, architectural style and built form of the proposed dwellings will not have a detrimental impact upon the character and appearance of the surrounding area. The proposed development will integrate with the surrounding area in terms of layout, design, scale and materials. The proposal therefore complies with Policies CS10, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and the NPPF.

#### Impact on Residential Amenity

9.24 The NPPF 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 Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy.

9.25 The application site shares its western boundary with existing residential properties on High Drive (nos. 9 and 10 Gordon Villas). The side elevation of proposed plot 6 would be approximately 15m from the rear wall of no. 9 Gordon Villas. First and second floor windows are proposed within the flank wall of plot 6, however these would serve non-habitable rooms and it is therefore reasonable and necessary to condition that these be obscure glazed and non-opening below a height of 1.7m above internal floor level to avoid any significant additional overlooking. In terms of the visual impact of proposed plot 6 on 9 Gordon Villas, it is considered that the separation distance of 15m is sufficient in order that there would be no significant harmful effects in terms of being visually overbearing or resulting in loss of light, particularly that there is existing intervening boundary vegetation that would be retained.

9.26 The side elevation of plot 7 would be situated approximately 14m from the rear elevation of no. 10 Gordon Villas, albeit at an offset angle. The first and second floor windows in the side elevation of plot 7 would be obscure glazed, to be secured by condition. It is considered that the separation distance and relative positions of plot 7 and 10 Gordon Villas would not give rise to any significant visual intrusion nor loss of light. In addition, the separation distance is greater than that approved within the St Francis Close development to the north, whereby the side elevation of 1 St Francis Close is 3.5m from the corner of 11 Gordon Villas.

9.27 A distance of approximately 18m would be achieved between proposed plot 2 and 34 St Francis Close, on the opposite side of the road. This is considered an acceptable front-to-front separation distance that is commensurate with the surrounding area.

9.28 In terms of the living conditions of future occupiers, the proposed dwellings would provide a good standard of amenity. The proposed shape and size of the garden areas would ensure the space is functional and compatible with the surrounding area. Separation distances between plots 3-6 would be 2m, which is acceptable given that the flank elevations would be comprise obscure-glazed windows serving non-habitable rooms. Front-to-front separation distances are commensurate with the surrounding area and the majority of residential areas, in the range of 13-16m.

9.29 Overall, it is considered that the proposed layout and scale of dwellings would not cause significant harm to the living conditions of existing occupiers. Furthermore, the living conditions of future occupiers would be acceptable. The proposal complies with the above-mentioned policies in terms of residential amenity.

#### Impact on Highway Safety and Parking

9.30 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.31 The development proposes 7 dwellings, each comprising 4 bedrooms. The parking requirement set out in Appendix A of the Parking Standards SPD is 3 allocated spaces or 2.4 unallocated spaces for each 4-bedroom dwelling. This equates to a parking requirement for the development as a whole of 21 allocated spaces or 16.8 unallocated spaces.

9.32 Each dwelling would have 2 spaces on hardstanding in addition to one space within an integral garage (i.e. all allocated spaces). To ensure adequate parking for the development, the use of the garages would be restricted to the parking of vehicles and may not be converted to living accommodation, which would be secured by condition. There would also be 2 additional visitor spaces at the end of the cul-de-sac and 2 visitor parking spaces for the existing development on St Francis Close would be relocated to enable the construction of plot 1. The total parking provision for the development as a whole would be 23 spaces. This level of parking provision is acceptable and complies with Appendix A of the Parking Standards SPD.

9.33 In terms of access, the development would use the existing access from Aylesbury Road to St Francis Close. St Francis Close is a private road and is not yet part of the adopted highway network. Plots 3-7 would have a new private road network joining St Francis Close and plots 1 and 2 would be located directly on St Francis Close. Although the existing and new roads are not highway maintainable at public expense, the Highway Authority has recommended that all accesses be built to standards stipulated in HCC Highways design guide. Furthermore, the existing access onto Aylesbury Road is deemed adequate to accommodate 7 additional dwellings.

9.34 The new private road has a turning head to accommodate the turning of large vehicles and, in terms of emergency vehicle access, the proposed dwellings are within the recommended emergency vehicle access of 45m from the highway to all parts of the buildings.

9.35 Herts County Council, as Highway Authority, has been consulted and raised no objection to the proposal, subject to the inclusion of a Construction Management Plan condition and informative notes.

#### Other Material Planning Considerations

### *Impact on Trees and Landscaping*

9.36 Saved Policies 99 and 100 of the Dacorum Local Plan and Policy CS12 of the Core Strategy seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.37 The site comprises a Tree Preservation Order (TPO544) relating to groups of trees along the boundary with Aylesbury Road, along the western boundary and to the southeast of the site. There are also two individual Beech trees towards the north and centre of the site covered by the TPO. The two individual Beech trees have been identified as being of sufficient quality to warrant individual protection whereas the remaining are grouped as they offer combined amenity value.

9.38 An Arboricultural Impact Assessment and Arboricultural Method Statement has been submitted to support the application, which includes a Tree Protection Plan. A number of trees are proposed to be removed to facilitate the proposal. The Council's Trees & Woodlands Officer has been consulted and considers that the trees to be removed have limited amenity value and the submitted comprehensive planting scheme would mitigate these removals. Furthermore, a detailed scheme to protect remaining trees has been submitted which affords appropriate protection.

9.39 A detailed planting plan has been provided (drawing no. CLPD 109 P01), however the overlain site plan is from the previously refused scheme. Whilst the proposed planting schedule is deemed to be appropriate and would provide adequate mitigation planting, it contains an outdated site plan. Therefore, an updated detailed planting plan would be secured by condition should permission be granted, in addition to further landscaping details.

9.40 The Council's Trees & Woodlands Officer raised no objection to the proposal, subject to the tree protection measures and mitigation conditions. Subject to the above conditions, the proposed development would meet the requirements of Saved Policies 99 and 100 of the Local Plan and Policy CS12 of the Core Strategy.

### *Ecology*

9.41 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Furthermore, Core Strategy Policy CS26 seeks to conserve and restore habitats and species.

9.42 The County Ecologist (Herts Ecology) has been consulted but a response has not been forthcoming. However, a response was received with respect to the previously refused scheme (ref. 22/00456/FUL, consultation response received on 12 August 2022). The refused scheme is similar to the current proposal in terms of the level of demolition proposed and amount of tree removal. Moreover, the same supporting information was submitted for the refused scheme as the current scheme, i.e.:

- Technical Note: Ecology by AA Environmental Limited (Report Ref. 213157)
- Supplementary Bat Report by AA Environmental Limited (report date June 2022)

9.43 For the previous scheme, Herts Ecology commented, "*The visual inspection (05.05.22) did not identify any significant changes from the original Preliminary Roost Assessment. Two emergence surveys were conducted on the 5th and 26th of May and a re-entry survey on the 27th of May. During these, a bat was observed emerging once from a tile hanging confirming the presence of a roost. Suitable mitigation measures have been provided within the report and with this information in place, I consider the LPA has sufficient information on bats for determination. It is acknowledged that if bats will be affected by the proposal, a European Protected Species (EPS) licence will be required from Natural England to proceed lawfully. I have no reason to believe that a licence will not be issued.*"

9.44 It is recognised that, as bats will be affected by the proposal, a European Protected Species (EPS) licence will be required from Natural England in order for the proposed development to proceed lawfully. Although the surveys are over 12 months old, the Council takes a precautionary approach and assumes the presence of bats. Herts Ecology previously stated that they have no reason to believe that a licence will not be issued. In addition, the submitted ecological reports listed above recommend a full scheme of mitigation, including the installation of bat boxes on trees prior to demolition and bat bricks incorporated into the design of the dwellings, which would be secured by condition.

9.45 In terms of biodiversity net gain, the ecological reports recommend further ecological enhancements including the timing of site clearance to avoid bird nesting season, the installation of bird boxes, tree protection measures, planting native species within the landscape strategy, boundary treatment to allow free movement of wildlife and a lighting strategy. These measures would be secured by appropriate conditions and/or informative notes.

9.46 Subject to the inclusion of the above-referenced conditions and informative notes, it is considered that the proposed development would meet the requirements of the NPPF and the Core Strategy in terms of biodiversity and ecology.

#### *Environmental Health*

9.47 Core Strategy Policy CS32 seeks to maintain soil quality standards and remediate contaminated land. It also seeks to ensure that proposals do not cause harm from a significant increase in pollution (into the air, soil or any water body), for example by noise or emissions. The Council's Environmental Health Officer has been consulted and recommended contaminated land conditions, should planning permission be granted. This is considered reasonable and necessary due to the potential of contaminative materials and the future end use of the site. However, it was also recommended that a condition be included that restricts noise levels at the site boundary between certain hours. This condition would not meet the tests set out in paragraph 56 of the NPPF, as it would not be necessary, enforceable or reasonable in all other respects. The suggested wording will therefore be included as an informative note, rather than a condition, should permission be granted.

#### *Waste Management*

9.48 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling. The submitted site plan shows that there is adequate space on hardstanding adjacent to each dwelling that would be convenient for future occupiers to store bins. In addition, the proposed site layout would allow kerbside bin collection that would be within 25m of the waste collection vehicles, to accord with Dacorum's Refuse Storage Guidance Note. It is considered that the development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

#### *Habitats Regulations Assessment – Chilterns Beechwoods SAC*

9.49 As part of its ongoing work to prepare the Local Plan, Dacorum Borough Council is required by law to undertake a Habitats Regulations Assessment (HRA) to understand the impacts that current and planned future growth is having on sites designated under the Habitats and Birds Directive. Evidence gathered to date concludes that the integrity of the Chilterns Beechwoods SAC, particularly at Ashridge Commons and Woods SSSI, is being harmed as a result of public access and disturbance.

9.50 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the

conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites.

9.51 The application site resides within the Chilterns Beechwoods 'zone of influence', therefore following advice from Natural England, a mitigation strategy is needed, which sets out the actions necessary to protect the SAC from both existing and future pressures. At a meeting held on 15 November 2022, Dacorum Borough Council Cabinet approved the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy. It also approved two Suitable Alternative Natural Greenspace (SANG) Management Plans for Bunkers Park and Chipperfield Common.

9.52 The new Mitigation Strategy sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6-kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). These measures will be delivered through a range of projects by the National Trust over a period of around 80 years (to 2102-2103).

9.53 The National Trust has confirmed that these Strategic Access Management and Monitoring (SAMMS) measures will cost a total of £18.2million. This cost will be shared across all of the affected local authorities. In Dacorum, this means that developers will be required to pay a tariff for each new home built.

9.54 To help to reduce recreational pressures on Ashridge Commons and Woods, alternative green spaces need to be identified. All new developments within the Zone of Influence will need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere.

9.55 Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. Developers that are unable to provide a suitable new SANG will be required to make a payment to us towards the long-term management and maintenance of these sites.

9.56 The proposed development would be eligible to financially contribute to the two SANG Management Plans for Bunkers Park and Chipperfield Common, which would be secured via legal agreement should planning permission be granted.

#### Response to Neighbour Comments

9.57 Many of the comments submitted relate to concerns over pedestrian access and safety. The development proposes to use the existing shared surface access off Aylesbury Road. A shared surface is one in which there is no pavement and a single surface is shared by all road users. A number of residents have raised concerns regarding the safety of this access road, with concerns that there is no dedicated pavement and that the site access is unsafe for pedestrians, disabled road users, parents with pushchairs etc. It is considered that there are three issues to consider in turn below.

#### *Not within applicant's ownership*

9.58 St Francis Close would be used by the new development to access the dwellings, however it is not within the same ownership as the applicant. Therefore the applicant has no control over St Francis Close and would not be able to make any changes to it. The landowner is W.E.Black, the developer of the adjacent St Francis Close development. The applicant has an agreement with W.E.Black to access the application site via St Francis Close.

#### *An existing situation*

9.59 The applicant's Transport Consultant (Iceni) has confirmed that 'St Francis Close is a private no through road that was upgraded as part of the St Francis Close development and it currently serves 34 existing homes. St Francis Close is a shared surface and adopts the Shared Surface and Shared Space principles of Manual for Streets (2007) and the Roads in Hertfordshire: A Design Guide (2011) along its entire length'.

*Case Officer confirmed with Highway Authority*

9.60 The Case Officer discussed these concerns with the Highway Officer and it was confirmed that, from the point of view of the Highway Authority, the proposal complies with the road design criteria set out in Hertfordshire's Highway Design Guide. Within this document the use of a shared surface, such as St Francis Close, may be used in schemes of up to 50 dwellings. The Highway Authority does not support a reason for refusal on highway or pedestrian safety grounds.

#### Permitted Development Rights

9.61 Should permission be granted, it is recommended that Permitted Development Rights are removed by condition with respect to Schedule 2 Part 1 Classes A and B of the General Permitted Development Order (extensions, enlargements and roof enlargements). This is to ensure sufficient garden space to properties is retained and in the interests of residential amenity within the development to accord with the aims of Policies CS11 and CS12 of the Core Strategy.

#### Community Infrastructure Levy (CIL)

9.62 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable and resides within CIL Zone 2.

## **10. CONCLUSION**

10.1 By virtue of its layout, design and scale the proposed development will integrate with the street scape character and will not adversely impact upon the residential amenity of neighbouring occupants. The proposal would make effective use of land and would meet the requirements in terms of parking provision. It would not cause harm to the adjacent conservation area and the benefits of the scheme would outweigh the minimal heritage harm caused by the loss of the existing building. The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS4, CS10, CS11, CS12, CS26 and CS27 of the Core Strategy and the NPPF.

## **11. RECOMMENDATION**

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

#### **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 commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction of the development hereby approved shall be carried out in accordance with the approved details. The Construction Management Plan shall include the following details:**

- **Construction vehicle numbers, type, routing**
- **Access arrangements to the site**
- **Parking and turning areas for site operatives and visitors**
- **Traffic management requirements**
- **Construction and storage compounds (including loading/unloading and turning areas)**
- **Siting and details of wheel washing facilities**
- **Cleaning of site entrances, site tracks and the adjacent public highway**
- **Waste minimisation and recycling/disposing of waste from demolition/construction works, which must not include burning on site**
- **Timing of demolition and construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times**
- **The erection and maintenance of security hoarding**
- **Control of dust/dirt emissions during demolition and construction**
- **Control of noise and/or vibration**
- **Control of overspill of light from security lighting**
- **Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements**
- **Phasing Plan.**

Reason: In order to protect highway safety and the amenity of local residents and other users of the public highway and rights of way, in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan (2004), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2021).

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 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 an Intrusive Site Investigation 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 to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

4. **Any contamination, other than that reported by virtue of Condition 3 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.**

**Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.**

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

5. **The development hereby permitted shall not progress beyond damp proof course level 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. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made for inspection.**

**Specific details of the following shall be submitted to the Local Planning Authority for approval:**

- **Sample panels of brickwork**
- **Roof materials sample**
- **Detailed scaled drawing of joinery**
- **Details of window heads and cills**
- **Rainwater goods.**

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

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).

6. **The development shall be carried out in accordance with the recommendations set out in section 5.0 of the submitted 'Supplementary Bat Report' by AA Environmental Ltd dated June 2022, to include the installation of bat boxes prior to the commencement of any development on the site.**

**Prior to the occupation of the development hereby approved, and notwithstanding the details approved in the above Supplementary Bat Report, an updated Bat Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The updated Bat Mitigation Plan shall include the following:**

- **Locations of bat bricks to be incorporated into the facing brickwork of the dwellings**
- **Details of a low impact lighting strategy.**

**The development shall be carried out in accordance with the approved details prior to occupation and shall be thereafter retained.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development and to minimise impacts on biodiversity and avoid unnecessary light pollution, having regard to Policies CS26 and CS29 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021).

7. **Prior to the commencement of development hereby approved, the tree protection measures detailed within Appendix 2 of the Arboricultural Impact Assessment and Arboricultural Method Statement by Patrick Stileman dated 13 March 2023 shall be implemented. No equipment, machinery or materials for the development shall be taken onto the site until the tree protection measures are in place. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

8. **Notwithstanding the details submitted within the landscaping plan entitled 'Detailed Planting Plan' (drawing no. CLPD 109 P01), prior to the occupation of the development hereby approved, an updated landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:**

- **All external hard surfaces within the site**
- **Other surfacing materials**
- **Means of enclosure**
- **Soft landscape works and planting schedule**
- **Refuse or other storage units.**

**The approved landscape works shall be carried out in accordance with the approved details prior to the 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 Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

9. **The development shall be carried out in accordance with the ecological enhancements detailed in the 'Conclusions and Recommendations' of the submitted 'Technical Note: Ecology' by AA Environmental Ltd (Report Ref. 213157). The scheme of enhancements shall be implemented prior to the occupation of the approved development and thereafter so retained.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2021).

10. **The following windows of the new dwellings hereby approved shall be fitted with obscured glass and non-opening below 1.7m above internal floor level and thereafter retained as such in perpetuity:**

**Plot 1 - first and second floor windows on the north and south elevations (shown on drawing no. 21 / 3507 / 11)**

**Plot 2 - first floor windows on north elevation (shown on drawing no. 21 / 3507 / 12)**

**Plot 3 - first and second floor windows on west elevation and first floor window on east elevation (shown on drawing no. 21 / 3507 / 13 Rev A)**

**Plot 4 - first and second floor windows on west elevation and first floor window on east elevation (shown on drawing no. 21 / 3507 / 14 Rev A)**

**Plot 5 - first and second floor windows on west elevation and first floor window on east elevation (shown on drawing no. 21 / 3507 / 13 Rev A)**

**Plot 6 - first and second floor windows on west elevation and first floor window on east elevation (shown on drawing no. 21 / 3507 / 15 Rev A)**

**Plot 7 - first floor windows on the east and west elevations (shown on drawing no. 21 / 3507 / 16)**

Reason: In the interests of the residential amenities of the existing occupants of the adjacent dwellings and future occupants of the proposed dwellings, in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

11. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:**

**Schedule 2 Part 1 Classes A and B**

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 130 of the National Planning Policy Framework (2021).

12. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of their respective dwellings and they shall not be converted or adapted to form living accommodation.**

Reason: To ensure adequate parking provision for the development in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Appendix A of Dacorum's Parking Standards SPD (2021).

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

**Location Plan**

**21 / 3507 / 10 Rev A - Proposed Site Plan**

**21 / 3507 / 11 - Floor Plans & Elevations Plot 1**

**21 / 3507 / 12 - Floor Plans & Elevations Plot 2**

**21 / 3507 / 13 Rev A - Floor Plans & Elevations Plots 3 & 5**

**21 / 3507 / 14 Rev A - Floor Plans & Elevations Plot 4**

**21 / 3507 / 15 Rev A - Floor Plans & Elevations Plot 6**

**21 / 3507 / 16 - Floor Plans & Elevations Plot 7**

**21 / 3507 / 17 Rev B - Street Scenes / Site Sections**

**21 / 3507 / 18 Rev A - Site Sections**

**Arboricultural Impact Assessment and Arboricultural Method Statement by Patrick Stileman dated 13 March 2023**

**Transport Note by Icen Projects dated January 2022**

**Supplementary Bat Report by AA Environmental Ltd dated June 2022**

**Technical Note: Ecology by AA Environmental Ltd (Report Ref. 213157)**

**Planning Statement by HGH Consulting dated March 2023**

**Heritage Statement by HCUK Group dated March 2023**

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

**Informatives:**

1. **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.
2. **Waste Management Informative:** Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
3. **Air Quality Informative:** As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

4. Invasive and Injurious Weeds - Informative: Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>.
5. 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
6. Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
7. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user.

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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

8. Material samples: Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.
9. All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
10. Construction noise informative: Works audible at the site boundary should not exceed the following times: Monday to Friday 07:30 to 17:30 hrs, Saturday 08:00 to 13:00 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.
11. 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)	<p>The site has had a number of application with regards to this area and the changed to housing. As previously noted it contains</p> <p>The existing property (originally called Harvieston) would appear to date from the early 20th century (1901-1908) and appears Edwardian in character. It is a substantial two storey brick building with service wing to the rear. It has large hipped tiled roofs, hanging tiles to the bays, substantial overhangs and high quality detailing. Internally it has many fine features still in place. It has large landscaped grounds, which lead down to Aylesbury rd. It would appear to have either been built by or first occupied by Mr James Brown MB CM. which would appear that this means he was a bachelor of medicine and a master of surgery. He is noted as being a resident at the house in 1908 and a town councillor in 2016. His son died at the battle of the Somme and is recorded on the war memorial in the town centre.</p>

There is however a discussion with regards to its architectural merits.

We continue to believe that the property is imposing and of a high quality Edwardian villa with fine architectural features. It sits within the surviving grounds to the frontage. Given the architectural quality of the design and materials although unlikely to be statutory listed the brickwork is of a fine bonded red orange brick with detailing to the window headers. Two main bays to the frontage below a hipped tiled roof. Hung tile details on these reflect the general character of the conservation area. The windows to the façade are 6/6 sashes although we do note that the central conservatory is not ideal within this composition. To the main entrance there are art deco fittings to the door and a substantial doorcase. In addition there is a two storey rear wing. The building itself is more unusual in Tring in that at that point in time development of the town was greatly influenced by the Rothschild's. As such it is somewhat unusual being a large villa in a large plot where the majority of villas are semi detached and in smaller plots. Indeed the only similar scale of house to plot within Tring is East Lodge part of the former Tring Park estate and therefore of a different status. We would also disagree with some of the statements for example there is no semblance of a garden where as when visiting one can clearly appreciate the lower terraced lawn area surrounded by trees and steps up to the dwelling in a similar fashion to many gardens of the period. Given it has not been maintained as a garden for some time it is still clearly visible.

Therefore whilst we recognise the issues raised with consideration of the building as a non designated heritage asset we do not believe that it would be wrong to consider the building to have some merit to be considered one in this case. The trees around the site are of importance to the setting and the wider conservation area. These are covered by a preservation order.

The design proposals of the new dwellings have now addressed our previous concerns. They sit comfortably within the site and the gable and upper floor elements would look appropriate in relation to Aylesbury road. As such we believe that the proposals would not harm the setting of the conservation area. Advice should be taken with regards to the trees in relation to the tree officers and the long term impact of these with regards to the new housing.

Therefore we believe that the proposals would sit comfortably within the context. The materials should be conditioned to ensure that these are appropriate and in keeping with the character of the area.

The officer should balance the loss of the non designated heritage asset with the planning merits of the proposals giving the relevant



	<p>weighting as per the guidance in the framework. Ideally the building should be recorded before demolition and a copy submitted to the Hertfordshire HER. Materials where possible should be salvaged and recycled.</p> <p>Recommendation: The officer should consider the case in light of the above comments. External materials, hard and soft landscaping subject to approval.</p>
Tring Town Council	<p>The Council withdraws its previous comment and now recommends REFUSAL OF this application on the grounds of overdevelopment and on grounds of safety as there are no pathways for pedestrians to the main road. No development should take place until a satisfactory pathway has been constructed.</p>
Trees & Woodlands	<p>Trees within the proposed development area are protected by TPO544. Individual trees such as trees 1 and 2 (both Beech) and other trees categorised within groups are included within the TPO. Trees 1 and 2 have been identified as being of sufficient quality to warrant individual protection whereas the remaining are grouped as they offer combined amenity value.</p> <p>According to the application a number of trees will require removal to facilitate the proposal. I consider the trees to have limited amenity value and the applicant has submitted a comprehensive planting scheme mitigating these removals. Furthermore, a detailed scheme to protect remaining trees has been submitted which affords appropriate protection in accordance with current best practice.</p> <p>Consequently, I have no concerns about proposals in relation to trees in respect of the demolition and construction phases, as long as proposed tree protection measures are installed and maintained as stated.</p>
Hertfordshire Highways (HCC)	<p>Proposal</p> <p>Demolition of existing buildings. Construction of 7 new houses with associated parking and landscaping</p> <p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Construction Management Plan / Statement</p>

No development shall commence until a Construction Management Plan (or Construction Method Statement)\* has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- j. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Highway Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 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 County Council website at:

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

AN 2) Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

#### Comments

The application is for the demolition of existing buildings. Construction of 7 new houses with associated parking and landscaping at Convent Of St Francis De Sales Preparatory School, Aylesbury Road, Tring. Aylesbury Road is a 30 mph classified B secondary distributor route that is highway maintainable at public expense. The site is currently occupied by a boarding house.

#### Vehicle Access.

The development will use the existing access from Aylesbury Road to St Francis Close. St Francis Close is a private route serving a new development and is not yet part of the adopted highway maintainable network. 5 of the new dwellings will have a new private road network joining St Francis Close whereas two of the new dwellings will be located directly onto St Francis Close. Each new dwelling will have a access from the private route network to a Hardstanding to accommodate parked vehicles. Although, the adjacent route is not highway maintainable at public expense, I would recommend that all accesses be built to standards stipulated in HCC Highways design guide. The existing access onto Aylesbury road is deemed to be

	<p>adequate to accommodate seven additional dwellings in relation to the other dwellings serviced by St Francis Close. The new private route has a turning head to accommodate the turning of large vehicles.</p> <p>Drainage</p> <p>The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new driveway would need be collected and disposed of on site.</p> <p>Refuse / Waste Collection</p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle access</p> <p>The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and condition.</p>
<p>Environmental And Community Protection (DBC) <b><u>Part 1</u></b></p>	<p><b><u>Original comments:</u></b></p> <p>Having reviewed the planning application I am able to confirm 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.</p> <p>This is considered necessary because the application is for a change of land use to a more sensitive receptor 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 the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p>

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written Preliminary Environmental Risk Assessment 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 an Intrusive Site Investigation 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 to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the

	<p>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>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p>
<p>Environmental And Community Protection (DBC) <b>Part 2</b></p>	<p><b><u>Amended comments:</u></b></p> <p>Following receipt of the above consultation, please find the below conditions this department feels should be applied to the above planning application which mirror the comments made under application 22/00456/FUL.</p> <p>1. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works</p> <p>REASON: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity of local properties in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).</p> <p>Informative: The Statement required to discharge the Demolition and Construction Management Plan condition of this consent is expected to cover the following matters:</p> <ul style="list-style-type: none"> <li>o the parking and turning of vehicles of site operatives and visitors;</li> <li>o loading and unloading of plant and materials;</li> <li>o storage of plant and materials used in constructing the</li> </ul>

development;

- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- o details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;

- o wheel washing facilities;

- o measures to control the emission of dust and dirt during demolition and construction;

- o a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site.

- o design of construction access

- o hours of demolition and construction work

- o control of noise and/or vibration

- o measures to control overspill of light from security lighting

2. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 07.30 to 17.30 hrs, Saturday 08.00 to 13.00 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).

Informative:

It should be noted that the Local Authority, in considering compliance with the noise scheme condition has regard to both internal and external amenity space noise levels. Applications may be refused where the external noise levels or internal noise levels with open windows do not meet the standards required. Whilst there is some flexibility to the standards outlined in BS8233:2014 this can only be applied where planning policy supports the need for the development.

The applicant shall have regard to the suitability of the type of residential accommodation in the proposed location and its design and layout before consideration of glazing and ventilation specifications.

The scheme can be informed by measurement and/or prediction using noise modelling provided that the model used has been verified. Only an appropriately qualified acoustic consultant will be able to carry out an assessment of the noise. The Institute of Acoustics website gives

contact details of acoustic consultants - [www.ioa.org.uk](http://www.ioa.org.uk).

Furthermore, I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.

#### Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team [ecp@dacorum.gov.uk](mailto:ecp@dacorum.gov.uk) or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

#### 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.

#### Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.



	<p>Air Quality Informative.</p> <p>As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.</p> <p>As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative</p> <p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
Thames Water	Thank you for consulting Thames Water on this planning application.

	<p>Having reviewed the details, we have no comments to make at this time.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted</p>
Crime Prevention Design Advisor	<p>I would encourage the applicant to build the development to the police preferred minimum security standard Secured by Design .From a crime prevention perspective I have no concerns regarding the site layout.</p>
Natural England	<p><b>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)</b></p> <p><b>WITHIN 12.6 KILOMETRES</b></p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> <li>o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>o Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
47	13	1	10	0

### Neighbour Responses

Address	Comments
Herts and Middx Wildlife	Objection: There is no in principle objection to this application but at

<p>Trust, Grebe House St Michaels Street St Albans AL3 4SN</p>	<p>present it is lacking sufficient ecological information to demonstrate that it will result in a biodiversity net gain - as required by NPPF. The submission of a biodiversity metric is required to demonstrate a biodiversity net gain.</p> <p>The NPPF states:</p> <p>'174. Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>d) minimising impacts on and providing net gains for biodiversity</p> <p>The submitted ecological survey does not quantify the Biodiversity Net Gain of the development, so is not compliant with NPPF. This application should not be decided until a NE biodiversity metric has been submitted which demonstrates a net gain of 10%.</p> <p>The bat survey is acceptable and the provision of integrated bat boxes is acceptable. Swift boxes should also be included and secured by the following condition:</p> <p>'Development shall not proceed until the make, model and location of 7 integrated swift boxes has been submitted and approved by the LPA.'</p> <p>To conserve and enhance biodiversity.</p>
<p>10 Gordon Villas Aylesbury Road Tring Hertfordshire HP23 4DJ</p>	<p>1/ The development does not have a safe access for pedestrians from the site to the main road, although there should have been one provided by the developer in the St Francis close development W.E.Black has failed to provide it and prevaricates on its provision.</p> <p>2/ The site limits shown in red are incorrect as they are using the site limits on two sides that were for the St Francis development. This in the main is to hide the fact that the developer is working with the St Francis developer W.E Black who appears to have sold some communal land from the St Francis development to the developer which cannot be correct as this land belongs to all of the residents in the St Francis development and should have been handed over to the tenants association on completion, therefore this development shows land being used which is not part of the land needed, I have spoken to a number of residents who confirm this and were unaware of what W.E.Black is doing.</p> <p>3/ W.E.Black during the development of the st francis development had a listed tree felled illegally and as part of the reparation apart from the fine submitted a landscaping plan in 20/00097/DRC and is now seeking to remove the land again surely an illegal act.</p> <p>4/ the new plan seeks to move parking spaces on the st francis development nothing to do with the new development and should be on a separate planning proposal if agreed by the residents.</p> <p>5/ the development seeks permission for 2.5 story houses, but in the st francis development when proposed the 2.5 story were rejected and only 2 story agreed, what has changed. Also when the Gordon Villas</p>

	<p>development was proposed Dacorum put a maximum height on the roof lines because of consideration on the aspect coming up Gordon Villas, the proposal shows roof lines considerably heighten making a mockery of the limits place on the Gordon villas development.</p> <p>6/ My house is number 10 Gordon villas and looking at the plans although there are limited windows in the flank wall of plot 7 in reality the resident of the house will be able to look directly into and down into my bedrooms and ground floor causing a complete loss of privicy .</p> <p>7/ although there should be some sort of development on the land now that Dacorum has had to agree the demolition of the existing house due to them not answering in the due time it would be better that it was limited to 5 houses of 2 story only, and if the land issue from taking common land from the St FRancis development it would only be possible to build 5 houses.</p> <p>8/ before any determination is made the issue of the footpath to the main road should be resolved, particularly that it is noted that W.E. Black is involved in the new development.</p>
<p>65 Longfield Road Tring Hertfordshire HP23 4DF</p>	<p>This application contains inaccuracies. The site can indeed be seen from a public road, viz. St Francis Close. The planning statement online starts at p24. Photos at Fig 13 appear to have been taken intentionally from spots where the building is not visible, whereas it is plainly visible from the allotments and nearby footpaths.</p> <p>As with earlier applications, I am strongly opposed to the needless demolition of an attractive house which exemplifies a certain time and context within Tring's history. I have ascertained that consent was granted by Tring UDC for a house in Aylesbury Road for Dr. Brown on 7th May 1901. It is my belief that it was designed by Tring architect Frederic W. Elliman, whose family previously owned the land, and that Lord Rothschild quite possibly facilitated its construction. That is entirely adequate for the house to be deemed a Non-statutory heritage asset.</p> <p>4.14 argues that large detached houses from the mid C19 onwards were commonplace. This may be so nationally, but in Tring the overwhelming majority of such houses have been demolished and Harvieston is one of only a very few remaining. No-one is arguing that it has a high heritage value in a national context (4.20); if it had, it would be listed. If it is demolished, it would be of no heritage value whatever. It would also result in the destruction of large volumes of embodied carbon, not to mention the production of large volumes of carbon in the demolition activity and that of building and manufacturing materials for the replacement structures. No argument has been advanced for not retaining and converting the existing attractive house into apartments, which is wholly feasible.</p> <p>There continues to be no footway out of the existing St Francis Close development, which is intolerable in an age when walking needs to be encouraged and car use discouraged. That on its own should constitute sufficient grounds for refusal of further development. As large 'market' houses, the proposed dwellings would not serve to address any</p>

	<p>housing need in Tring, which consists entirely in smaller, affordable or social housing. They would serve merely to entrench the current inequitable position where housing is only affordable to people moving to Tring from areas where house prices are higher still.</p>
<p>High Drive 9 Gordon Villas Aylesbury Road Tring Hertfordshire HP23 4DJ</p>	<p>This is just another variation of previous applications.</p> <p>Some of the objections, have now been addressed. Those outstanding, I assume will be carried forward.</p> <p>I repeat some of my previous comments, having edited out anything no longer relevant.</p> <p>The main variation is that DBC failed to respond to the demolition application within the appropriate time.</p> <p>The developer therefore claims that they can proceed with its demolition.</p> <p>I am not in the legal world to know whether this important historic building can be demolished.</p> <p>To me it seems odd that the failure of one person at DBC, that the rest of us will be ignored.</p> <p>Human beings do make mistakes.</p> <p>For example 21/01485/FUL was refused. There it stated for the ex Convent building “loss of asset makes a contribution”</p> <p>This refusal was helped by so many people objecting to this loss. Those comments still remain.</p> <p>DBC’s error of overlooking timing should not override so many people's objection, and also DBC’s previous decision.</p> <p>The application 4/03167/17/MFA</p> <p>My understanding is that the footpath as submitted by the architect Mr Macleod as shown on his drawing 6/6/17 has never been carried out.</p> <p>This winding route through the triangle near the main road, is designed to overcome the excessive slope of the project road itself.</p> <p>This work should be completed irrespective of the current planning application.</p> <p>23/00813/FUL should not be passed until the above work is complete.</p> <p>Naturally this path needs to connect with a satisfactory path system.</p> <p>My previous comments for the meeting of 2021 July 5 are still applicable.</p>

	<p>My personal most important point, is the retaining of the trees, that provide some screening from our adjacent house, High Drive, 9 Gordon Villas. Aylesbury Rd HP23 4DJ</p> <p>If any professional claims the trees are not safe, then I would like to seek a second opinion, from an independent professional.( Before any are cut down ) I do have my report from when I was building my house, from Patrick Stileman the same person who has produced the current report.</p>
<p>32 St Francis Close Tring Hertfordshire HP23 4FG</p>	<p>I wholeheartedly agree with other comments in that this new version of the proposal is much improved compared to the last.</p> <p>The only aspect I have a problem with is the inadequate parking. The existing St Francis Close visitor bays are too few and relocating 2 bays to the far corner of the Close is awkward for residents. Additionally, the 7 new houses will have no visitor parking whatsoever, meaning that there will continue to be a battle for bays, but it will actually be a lot worse!</p> <p>On top of that there will be many more vehicles as a result of the construction work. Where will everyone park? It is not safe or viable to park on any road section of the Close (especially on the road at the head).</p> <p>For these reasons I object to the proposal in its current form - purely based on inadequate parking provision. If this issue was addressed, I would support the application.</p>
<p>6 St Francis Close Tring Hertfordshire HP23 4FG</p>	<p>The original planning application submitted by the developers included the provision of a footpath to enable pedestrian access to the 34 properties in St Francis Close. WE Black reneged on this so all residents are forced to use the step winding road that accesses the close. There is no signage to indicate that the road is shared acces and Dacorum has not enforced a breach of the original planning application.</p> <p>The new development proposal, which, if approved, would result in more vehicle and pedestrian traffic is, frankly, a recipe for a serious accident. The proposal increases the safety risks for existing and new residents of the close.</p> <p>There is no indication giving how, if approval is received, the developers would, during construction, enable safe access. Elderly residents, mothers with young children, dog walkers sharing the same road with heavy construction traffic sounds like a recipe for disaster</p> <p>The protected trees in the woodland area next to the proposed development have already been severely impacted by the original development. WE Black deposited large amounts of rubble which has affected the health of a number of trees which we, as residents, now have to manage.</p> <p>Plot 1 of the new development is too close to the existing properties in the Close. The proposals for parking are inadequate. The existing visitor parking provisions is not sufficient and the new development, if</p>

	<p>approved, would lead to increased parking on the rising curved access road.</p> <p>Only the other week, I was nearly hit by a speeding delivery van anxious to make its next drop no doubt, as I walked up the steeply curved road with my dog.</p> <p>If the Council is really serious about reducing car usage and encouraging people to walk or cycle instead, approving this development would suggest otherwise.</p>
<p>5 St Francis Close Tring Hertfordshire HP23 4FG</p>	<p>I have no objection to the development other than on road safety grounds. The existing access road, St Francis Close, is used by both pedestrians and motor vehicles, as the footpath promised by the original developer of the 34 houses in St Francis Close, WE Black, has not been constructed.</p> <p>Parents with babies and push chairs, parents taking children to and from school, seniors including those in their 70ies and 80ies, as well as cyclists and motorists share this steep winding road. When approached from the Cemetary side of Western Road there is a blind bend leading into St Francis Close, yet the speed limit is still 30 mph.</p> <p>Heavy construction traffic will be using the road and sharing it with pedestrians. Additionally the road will become muddy making it a further hazard to pedestrians.</p>
<p>33 St Francis Close Tring Hertfordshire HP23 4FG</p>	<p>This version is much improved on previous submissions in that it has reduced the height of the houses facing the existing development and provides better parking facilities for the additional 7 houses.</p> <p>However the proposal is unsafe for existing residents. If these were addressed I would support the application.</p> <p><b>REMOVAL OF EXISTING PARKING:</b> This proposal will lead to increased on-street parking on a dangerous bend / junction, caused by the relocation of 2 parking berths to a remote corner of the development. The developers could retain at least one of the sacrificed slots with just a little thought, and then add the 2 remote berths to alleviate the existing unsafe on-road parking.</p> <p><b>CONSTRUCTION TRAFFIC:</b> The proposal does not protect residents from construction traffic. This could be addressed by a pre-commencement condition requiring a Construction Management Plan Protection Plan to be signed off by the existing residents (e.g. by the directors of the residents maintenance company, "St Francis Close Tring (Management) Ltd"). It needs to protect existing residents, both pedestrians and vehicles, from heavy construction traffic using the steep, curved and narrow entry road from the Aylesbury Road, which has no pathway. This issue could represent a significant risk to life during development:</p> <p>(1) Pedestrian safety could be significantly improved by the addition of a simple straight pathway to run down the side of Plot 3 to the Aylesbury Rd, with a painted crossing point at the top of the hill. Obviously it would need to be in place before any construction work</p>

	<p>commences. Without it pedestrians will have to compete with the construction traffic all the way down the hill (and at the unsighted junction).</p> <p>(2) The inevitable mud deposits will bring a huge risk of pedestrian slips, trips &amp; falls, and of cars sliding into crashes. Weekly road cleaning may alleviate.</p> <p>(3) Vehicle safety could be addressed by the use of access controls (e.g. banksmen).</p> <p>(4) Upon completion of the development the existing access road will inevitably require repair by the developer.</p> <p>TREE PROTECTION: The existing trees, which are already subject to a Tree Preservation Order, will need to be protected from any use as a storage area and from all construction traffic. This issue could be addressed by a pre-commencement condition requiring a Tree Protection Protection Plan to be discussed and signed off by the existing residents (e.g. by the directors of the residents maintenance company, "St Francis Close Tring (Management) Ltd"). The wooded area already suffers from compacted builders rubble from the previous phase and the two beautiful Beech trees, with their shallow root systems, are especially vulnerable as they are extremely close to the construction site entrance road and Plot 3. The developer should specifically guarantee the protection of these two large trees, with their root systems fully protected prior to any construction work by being penned off.</p>
<p>16 St Francis Close Tring Hertfordshire HP23 4FG</p>	<p>I strongly oppose to this development starting before a permanent footpath is put in place for the safety of residents and visitors.</p> <p>This Close could be classed as a single track road as it is on a steep gradient that winds round with significant blind spots. Which Construction traffic, deliveries, site visitors and workers parking their vehicles, it will impede on us being able to exit and return to our homes.</p> <p>This enclave of 35 homes is made up of young families and older residents who enjoy the freedom of walking and cycling in the area, it will be made impossible for any pushchairs, wheelchairs, cycling, walking and even driving a car to to be able to navigate the river of slippery mud and muck that would be inevitable covering our road service.</p> <p>I believe that it would be a very serious accident waiting to happen.</p> <p>My main objection is that no development on this site should absolutely not be passed until a footpath has been completely put in place that is fit for purpose, as promised by WE Black on completion of the existing 35 homes.</p>
<p>15 St Francis Close Tring Hertfordshire HP23 4FG</p>	<p>This latest version of the proposed development is much improved and the applicant seems to have taken onboard the councils previous reasons for refusal. In principal I would support this application subject to the following issues being addressed:</p> <p>1. The proposal does not allow for adequate parking for the 7 new houses. The existing development of St Francis Close has a few visitor</p>



	<p>parking spaces, whereas the new houses have none. This will put additional strain on those parking spaces for the existing development, which are already proving inadequate.</p> <p>2. Footpath Access - The original development of St Francis Close had a planning requirement, which has not been enforced by Dacorum, for a pedestrian footpath from Aylesbury road up to the top of St Francis Close. This is already dangerous due to traffic and pedestrians sharing the same access and impossible to access the development on foot for the disabled and those with mobility issues. This new development will exacerbate this situation and create further danger by adding demolition and construction traffic to the mix, raising significantly the likelihood of accidents occurring. We believe that a new footpath being installed for the residents of St Francis Close, as the original planning application contained, as a prerequisite to starting any demolition or building work is essential for public safety and accessibility.</p> <p>3. Trees - The site has a number of trees subject to TPO. The residents management company have recently conducted a detailed tree survey due to the apparent poor condition of several of these trees. It is apparent from this that when the original development was under construction, the developer, W E Black, dumped significant quantities of rubble and debris around these trees, which has contributed to their significant damage. Additionally, this area has become a haven for wildlife in an increasingly urban area and any disturbance from this proposed development needs to be avoided in order to maintain this status. We believe that a planning requirement should be that this area is completely protected from access by the builders, no rubbish of any kind should be deposited there, even on a temporary basis, in order to prevent further damage to these trees.</p> <p>In conclusion; this proposal seems reasonable and worthy of support, if the genuine risk to both life, trees, wildlife and accessibility can be avoided by taking a robust approach to planning and enforcement as described above. Allowing development to take place without for instance, the footpath being built first to protect residents from the substantial increase in dangerous traffic, would be negligent as it is clear that enforcement after developments are finished is impossible.</p>
<p>12 Gilders Sawbridgeworth Sawbridgeworth CM21 0EF</p>	<p>This proposal would benefit from the inclusion of integrated Swift Bricks as well as provisions for Bats. The RSPB's Swift Mapper website - <a href="http://www.swfitmapper.org.uk">www.swfitmapper.org.uk</a> - has records of Swifts nesting in Tring including nearby on Western Road and Miswell Lane, as well as further screaming parties (indicating breeding is very likely) on Longfield Road, Buckingham Road and Icknield Way.</p> <p>Integrated Swift boxes are also used by House Sparrows, Starlings and House Martins, which along with Swifts are all red-listed species of conservation concern. Such a provision would amount to a real ecological enhancement for this site and would be in accordance with para 18.21 of the LPA's Core Strategy.</p> <p>I would suggest one integrated Swift Brick per dwelling (although they could be grouped together rather than one on each) on north or east facing elevations</p>

# Agenda Item 5c

ITEM NUMBER: 5c

23/01807/FHA	Replacement of existing hipped roof with gable end roof of same pitch and height, single storey rear extension to replace conservatory, single storey front extension with covered porch, replacement of garage flat roof with pitched roof, conversion of garage to gym, new Velux fenestration.	
Site Address:	Seasons, 3 Garden Field Lane, Berkhamsted, Hertfordshire, HP4 2NN	
Applicant/Agent:	Martin Godden & Devika Chakraborti	Mr Jolyon Mitchell
Case Officer:	Victor Unuigbo	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted East
Referral to Committee:	Contrary view of Town Council	

## 1. RECOMMENDATION

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

## 2. SUMMARY

- 2.1 The proposed development would constitute the erection of additional extensions, whose overall sizes and scale would be proportionate to those of the existing dwelling on the application site. The development would not have any significant adverse impact on the appearance of the dwelling, the Garden Field Lane streetscene, or on the visual amenities of the immediate locality.
- 2.2 The development would not have any significant detrimental impact on the residential amenities of the closest neighbouring properties, or on highway safety and the provision of off-street car parking. The scale and nature of the development are such that it would not result in any land contamination concerns, nor would it result in any adverse impact on noise, odour, air and water quality.
- 2.3 Given the above considerations, the proposed development is acceptable and accords with the aims and objectives of the National Planning Policy Framework (2023), Policies CS8, CS11, CS12, CS32 of the Dacorum Core Strategy 2006-2031, and Saved Appendix 3 and Appendix 7 of the Dacorum Borough Local Plan (2004).

## 3. SITE DESCRIPTION

- 3.1 The application site is located on the northwestern side of Garden Field Lane, a small residential street that leads off the southern side of London Road (the A4251) in the town settlement of Berkhamsted.
- 3.2 The site contains a two storey detached dwelling with a main roof that is hipped on both sides, features a small flat ridgeline and contains a dormer each in the front and rear slopes. The dwelling has a red-brick external finish, a front gable projection and a pitch-roofed front infill porch.
- 3.3 The dwelling also contains a rear conservatory extension with brick plinth, which is sited adjacent to the boundary with the closest adjacent property to the southwest at No. 44 Fieldway. A detached flat-roofed garage is sited to the rear of the dwelling and close to the

end of the rear garden. The garage is also sited adjacent to the boundary with the closest adjacent property to the northwest at No. 2 Garden Field Lane.

- 3.3 The hillside terrain of Garden Field Lane is such that the ground levels on the site fall steeply from the south to the north, and from the rear boundary to the front, so that the dwelling itself is on higher ground than the street level, but on a lower ground level than the adjacent property to the southwest at No. 44 Fieldway. There is an 'in' and 'out' driveway enclosed round a grassed 'island' in the front garden, which serves as an area for off-street car parking.

#### **4. PROPOSAL**

- 4.1 The application proposes the alteration and enlargement of the main roof of the dwelling from hipped to gable end on both sides (with retained ridgeline height). The existing front dormer would be removed, and the proposed altered roof would contain two Velux rooflights and one larger Velux Cabrio balcony rooflight in the front slope. The rear slope would incorporate a velux rooflight and the enlargement of the existing rear dormer, which would be increased in width from 2.7 metres to 5.2 metres, and in height from 1.5 metres to 2.7 metres.
- 4.2 The proposal further incorporates the erection of an L-shaped pitch-roofed single storey front extension, which would project to a maximum depth of 1.8 metres from the southern end of the front elevation, and which would extend to form a 'storm cover' for a new centrally located porch door. The existing 4.8 metre deep rear conservatory extension would be removed and in its stead, a new single storey rear extension with a dual-pitch roof and larger depth of 5.3 metres would be erected.
- 4.3 The flat roof of the garage in the rear garden would be replaced with a new pitched roof containing four velux rooflights, and have its height increased as a result from 2.5 metres to 4 metres . The garage would be converted to a gym and music studio, with associated shower room and kitchenette units. The applicant submits that the uses in the converted garage would be domestic uses incidental to the enjoyment of the dwelling on the site.
- 4.4 External alterations to the existing dwelling are proposed, which would incorporate the removal and capping off of a chimney to the southern side, the insertion of one new window in the northern side roofslope and two new windows in the southern side roofslope (to serve the new bedroom in the enlarged roofspace), the insertion of new powder coated aluminium windows and patio doors to the front and rear elevations, and re-finishing the external walls (as well as those of the converted garage) with timber (Cedral) cladding and smooth mono-couche render.

#### **5. RELEVANT PLANNING HISTORY**

Planning Applications (If Any):

None.

#### **6. CONSTRAINTS**

Advert Control: Advert Spec Contr

CIL Zone: CIL1

Former Land Use (Risk Zone):

RAF Halton and Chenies Zone: Yellow (45.7m)

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

Residential Character Area: BCA1

Parking Standards: New 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 (2023)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

### Core Strategy:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 – Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction  
CS32 – Air, Soil and Water Quality

### Local Plan:

Saved Appendix 3 – Layout and Design of Residential Areas  
Saved Appendix 7 – Small Scale House Extensions

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Accessibility Zones for the Application of Car Parking Standards (2020)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (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 primarily residential area in the town settlement of Berkhamsted, wherein, in accordance with Policy CS4 of the Dacorum Core Strategy (2013), the principle of appropriate residential development is acceptable subject to compliance with the relevant local and national planning policies.

The key issues to the consideration of this application relate to the impact of the development on the character and appearance of the existing dwelling, the streetscene / surrounding area, and the residential amenities of neighbouring properties.

#### Quality of Design / Impact on Visual Amenity

- 9.3 In accordance with Policy CS11 of the Dacorum Core Strategy (2013), development should respect the typical density intended in an area, enhance spaces between buildings and general character and preserve attractive streetscapes.
- 9.4 Policy CS12 (g) of the Dacorum Core Strategy (2013) seeks to ensure that development respects adjoining properties in terms of layout, site coverage, scale, bulk; landscaping and amenity space.
- 9.5 Saved Appendix 7 of the Dacorum Borough Local Plan (2004) promotes good design practice on house extensions. In particular, it specifies that extensions should harmonise with the original design and character of the house in terms of scale, roof form, window design and external finishes.
- 9.6 Whilst it is considered that the proposed alteration of the main roof of the application dwelling from hipped to gable end on both sides would increase the bulk, mass and visual prominence of the existing dwelling, it is not considered that the resultant enlarged dwelling would appear overtly prominent, given that the ridgeline of the roof would not be increased in height, and given that the roofscape of the relatively few detached properties on Garden Field Lane and Fieldway comprises a mixture of hipped and gable end roofs. Given that there is no uniform roofscape on the streetscene, the proposed altered roof of the dwelling would not be at odds visually with the appearance of the streetscene.
- 9.7 Furthermore, the dwelling is considerably set back from the street by approximately 20 metres, and given the dwelling is set lower than the ridgelines of the neighbouring properties to the south (as a result of the fall in ground levels), it is considered that the enlarged dwelling would not appear incongruous, and would not appear visually at odds with the appearance of the neighbouring properties and the streetscene.
- 9.8 The proposed single storey front extension would constitute a subservient addition to the dwelling and its pitch roof, with extended section over the central porch, would be in keeping with the profile of the altered main gable end roof. The proposed single storey rear extension would be only 0.5 metres deeper than the existing conservatory it would replace, and given its rear location, it would not be visible from the public realm. The enlarged dormer in the altered rear roofslope would also not be visible from the public realm, and it would be sufficiently set down from the ridge and set up above the eaves of the roof. The enlarged dormer would also be set in from both sides of the roof by over 1 metre, which accords with the minimum required as specified in the guidance contained in Saved Appendix 7 of the Dacorum Borough Local Plan (2004).

- 9.9 With regards to the proposed garage conversion, it is considered that the new pitch roof would be a visual improvement on the existing flat roof, as it would add visual interest to the garage. Given the siting of the garage beyond the rear of the dwelling and its considerable distance away from the street, the converted garage with new pitch roof would not be visually prominent on the streetscene.
- 9.10 The scale, size and design of the proposed velux windows (including the Cabrio balcony window in the front roofslope) are considered acceptable, and the proposed re-finishing of the external walls with render and insertion of new aluminium coated windows are such that the enlarged dwelling would have a part contemporary appearance. However, the re-finishing of the external walls and rooftiles would incorporate an appropriate mix of traditional materials such as timber cladding and slate style rooftiles, and in this regard, the dwelling would not significantly detract from the appearance of the streetscene and immediate locality. It is also noted that the adjacent property at No. 44 Fieldway has rendered external finishes and a contemporary appearance, so the appearance of the enlarged dwelling would not constitute an unacceptable precedent on the streetscene.
- 9.11 Given the above considerations therefore, the proposed development would accord with the design objectives of Policies CS11 and CS12 of the Dacorum Core Strategy (2013) and saved Appendix 7 of the Dacorum Borough Local Plan (2004).

#### Impact on Residential Amenity

- 9.12 The National Planning Policy Framework (NPPF) (2023) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings.
- 9.13 Policy CS12 of the Dacorum Core Strategy (2013) specifies that new development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to properties in the surrounding area. Furthermore, Saved Appendix 3 of the Dacorum Borough Local Plan (2004) specifies that residential development should be designed and positioned to maintain a satisfactory level of sunlight and daylight for existing and proposed dwellings.
- 9.14 It is noted that the proposed Cabrio velux balcony window in the front slope of the altered roof would offer oblique views out to the front gardens of the adjacent properties at Nos. 2 Garden Field Lane and 44 Fieldway. It is however noted that the application dwelling presently has a first floor set of front-facing patio doors with attached Juliet balcony, which offers out views across the neighbouring gardens. Furthermore, the adjacent property at No. 44, which is sited on higher ground level, also has a first floor set of front-facing patio doors that lead out to an external balcony. Given this site-specific circumstance at No. 44, it is considered that the proposed front cabrio balcony window would not result in any material overlooking or loss of privacy – over and above what is presently experienced – to the neighbouring properties.
- 9.15 With regards to the development at the rear, the proposed single storey rear extension would be deeper than the existing rear conservatory extension by 0.5 metres, and would be sited on the same footprint as the conservatory. Even though it has not been demonstrated on the submitted plans, the proposed rear extension would not intersect any line taken at 45 degrees 'in plan' and 'in elevation' from the centre of the closest ground floor rear opening (a set of patio doors) at adjacent No. 44. There is an intervening retaining wall with top trellis panels on the boundary with No. 44, and given that No. 44 is sited on significantly higher ground than the application dwelling, it is considered that the rear extension would not have any adverse impact on the entry of light to, and outlook from rear openings at No. 44. The

rear extension, which would have a dual-pitch roof with maximum height of 3.7 metres, would also not appear as an overbearing or dominating structure in views from the rear garden of No. 44.

- 9.16 With regards to the adjacent property to the northwest at No. 2, the proposed rear extension would be set away from the boundary with that property by approximately 9.5 metres. Given that the rear elevation of No. 2 is set back 5 metres from the un-extended rear wall of the application dwelling, it is considered that the proposed rear extension would also not appear as an overbearing or dominating structure in views from the rear garden of No. 2. It is also considered that the rear extension would clearly not have any adverse impact on the entry of light to, or outlook from the rear openings at No. 2.
- 9.17 The proposed pitch roof over the converted garage would be dual-pitched and would result in an increased height of 4 metres for the building – an increase in height of 1.5 metres. The garage projects approximately 9 metres along the boundary beyond the rear elevation of No. 2. However, given the garage is set in 0.6 metres from the boundary, is set in 2.4 metres from the flank wall of No. 2 and would have the new roof slope away from the boundary, it is considered that the garage with new pitch roof would not unduly overshadow the rear garden at No. 2, or result in any undue loss of light to, or outlook from the rear openings at No. 2.
- 9.18 With regards to the proposed enlarged dormer in the rear slope of the altered roof, the existing rear dormer serves as an aspect / opening for converted habitable space in the roofspace, which the applicants utilise as a home office / study. The home office / study is considered to form a habitable room. It is noted that the existing dormer currently offers out direct and oblique views towards the residential gardens of the closest properties to the rear, particularly those at Nos. 48 and 50 Fieldway. The views offered out from the existing rear dormer are similar to those also offered from the existing windows below at first floor level. Even though the proposed enlarged rear dormer would be nearly twice as wide and high as the existing dormer, it is considered that the views offered out from the dormer window towards the neighbouring rear gardens would not be materially different from those offered out from the existing rear dormer and first floor rear windows. There is a distance in excess of 25 metres between the rear elevation of the application dwelling and the rear elevation of the closest property to the rear at No. 50. It is considered that this distance is sufficient to mitigate any impact resulting from overlooking of that neighbouring garden.
- 9.19 Given the above considerations, the proposal would not significantly adversely affect the residential amenities of neighbouring properties in the locality, in terms of being visually overbearing, dominating, or resulting in a significant loss of light, outlook or privacy. The proposal is therefore considered to accord with Policy CS12 of the Dacorum Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the NPPF (2023).

#### Impact on Highway Safety and Parking

- 9.20 The NPPF (2023), Policies CS8 and CS12 of the Dacorum Core Strategy (2013), and the Council's Parking Standards Supplementary Planning Document (SPD) (2020), all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.
- 9.21 The driveway in the front garden has an extensive length and presently forms an off-street parking area capable of accommodating at least 5 cars parked safely off the highway. The dwelling would have five bedrooms following development and given the parking zone it is situated in, the SPD specifies that the parking needs for a 4-bedroom plus dwelling should be

assessed on an individual basis. The submitted plans denote that the island in the garden would be re-landscaped and an off-street provision of 3 spaces made available. It is considered that the provision of at least 3 spaces on the re-landscaped garden would be adequate to service the parking requirements of the enlarged dwelling, and as such, the proposed development would accord with the objectives of the Council's Parking Standards SPD (2020), the NPPF (2023) and Policies CS8 and CS12 of the Dacorum Core Strategy (2013).

#### Other Material Planning Considerations

##### Contamination (Former Land Use)

9.22 The site falls within a former land use risk zone for ground contamination. The Council's Scientific Officer was consulted and commented that there is no objection on the grounds of land contamination. The Pollution Team was also consulted and whilst they commented that there is no objection in respect of air, water and noise quality, they recommended the addition of relevant informatives to the decision notice in the event that planning permission is granted.

##### Response to Neighbour Comments

9.23 These points have been addressed in the sections above.

##### Response to Town Council

9.24 These points have been addressed in the sections above.

##### Community Infrastructure Levy (CIL)

9.25 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 was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

##### Chiltern Beechwood Special Area of Conservation (SAC)

9.26 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case

## **10. RECOMMENDATION**

10.1 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:**

**01 PL**  
**02 PL**  
**03 PL**

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

3. **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 development 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. Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team [ecp@dacorum.gov.uk](mailto:ecp@dacorum.gov.uk) or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

2. 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.
3. Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials,

product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

4. As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make “green” vehicle choices and (paragraph 35) “incorporates facilities for charging plug-in and other ultra-low emission vehicles”. Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

5. Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council	<p>Objection</p> <p>The changes proposed are extensive and would lead to loss of amenity to the neighbours at the rear through overlooking from the scale of the dormer window.</p> <p>CS12, SLP Appendix 3</p>
Environmental And	With reference to the above planning application, please be advised the

<p>Community Protection (DBC)</p>	<p>Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p><b>Working Hours Informative</b> Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p><b>Construction Dust Informative</b></p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p><b>Waste Management Informative</b> Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.</p>
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	<p>Air Quality Informative.</p> <p>As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.</p> <p>As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative</p> <p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
Environmental And Community Protection	Having reviewed the application submission and the Environmental and Community Protection Team records I am able to confirm that there is

(DBC Scientific Officer)	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.
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	1	0	1	0

### Neighbour Responses

Address	Comments
48 Fieldway Berkhamsted Hertfordshire HP4 2NY	<p>Planning reference 23/01807/FHA - 3 Garden Field Lane, Berkhamsted HP4 2NN</p> <p>With regards to the recent planning application for the above property, we wish to raise our objection to the proposed plans for the following reason:</p> <p>o Overlooking/ Loss of Privacy</p> <p>1. The plans illustrate the roof annex room is changing from a small room to the master bedroom and something that will inevitably be used more frequently, for a larger proportion of the day, whilst the residents are at home.</p> <p>2. It's clear that the proposed design is looking to exploit the view, from the two rear windows, as the architectural technician has illustrated a chair within the new extended dormer window bay to demonstrate this.</p> <p>3. We have a mature tree, in our rear garden, which does temporarily block this view, in the summer months, albeit when it loses its leaves in the autumn and winter, anyone positioned in the proximity of the window to this roof annex room is clearly visible from our bed and, no doubt, vice versa.</p> <p>4. With regards to the redesigned roof structure, the plan drawings illustrate two large (elevated) dormer windows, and an additional Velux window to the rear elevation, facing Fieldway. These windows overlook our own master bedroom window, to the</p>

rear of our property and is of concern, to us, when considering the current single window that exists within what is now a small occasional roof annex room.

We're not entirely sure why the architectural technician, or residents, have opted for this master bedroom arrangement, as the property would have greater benefit and more uninterrupted views if orientating the proposed main window aspect, by facing eastwards.

Effectively maintaining and copying the current master bedroom orientation and facing what is an uninterrupted skyline and open Bourne End fields.

A matter which is worthy of note, albeit unrelated to our objection, will be the requirement of the landowner / residents to seek and obtain a build over agreement, with Thames Water, on what looks like the line of the common drain/sewer that also serves our property and several other dwellings on Fieldway. The drawing illustrates that it will be affected by the new structure which replaces and sits over, the footprint of the original uPVC conservatory. No doubt the architectural technician has advised their client upon the requirements around this.

With regards to the recent planning application for the above property, we wish to raise a further objection to the proposed plans for the following reason:

o Design - Visual Bulk - Change in Roof Type

1. The existing properties, on Garden Field Lane, have hipped roof ends and one dwelling

has a lower-level pitched roof (in order of 22 degrees - "Stravannan")  
The proposed

gable end design, for 3 Garden Field Lane, increases the roof size and roof bulk

considerably.

2. The change in roof type, significant increase in size and additional roof bulk is not in

keeping with the area and adjacent properties.

**Item: 5d**

<b>23/01777/FHA</b>	<b>Construction of a replacement single storey rear extension, a porch and loft conversion incorporating front and rear dormer windows.</b>
<b>Site Address:</b>	<b>31 Watford Road, Kings Langley, Hertfordshire, WD4 8DY</b>
<b>Applicant/Agent:</b>	<b>Mr and Mrs De Coninck</b>
<b>Case Officer:</b>	<b>Robert Freeman</b>
<b>Parish/Ward:</b>	<b>Kings Langley Parish Council   Kings Langley</b>
<b>Referral to Committee:</b>	<b>This application has been referred to committee in view of the contrary recommendation of the Parish Council. The Parish Council consider that the bulk and size of the extension would result in a cramped development on the plot.</b>

**1. RECOMMENDATION**

- 1.1 That planning permission is **GRANTED**

**2. SUMMARY**

- 2.1 The application site is located in a residential area of Kings Langley where the proposed development is acceptable in principle in accordance with Policies CS1 and CS4 of the Core Strategy and Policy KL4 of the Kings Langley Neighbourhood Plan.
- 2.2 The proposed development is considered to be acceptable in terms of its design, bulk, scale and use of materials and would not detract from the appearance of the dwelling nor the street in which it is located. This would be in accordance with Policy CS12 of the Core Strategy, Policy KL4 and Design Guidance and Code associated with the Kings Langley Neighbourhood Plan and Saved Appendix 7 of the Local Plan 1991-2011.
- 2.3 The proposals would not result in any detriment to the amenities of neighbouring property in accordance with Policy CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan 1991-2011.
- 2.4 The proposals do not raise any highway safety concerns in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

**3. SITE DESCRIPTION**

- 3.1 The application site is located on the eastern side of Watford Road, just north of its junction with Jubilee Walk. The site is within the village of Kings Langley in an established built up area.
- 3.2 31 Watford Road is a substantial detached dwelling which has been extended to the full width of its plot. At the rear of the property there is a conservatory and raised hard standing area with steps providing access to a lower rear garden. A detached garage is located within the front garden to the property

**4. BACKGROUND**

- 4.1 The application follows the earlier submission of a request for pre-application advice in relation to the site (23/01219/PRHW). The pre-application response expressed concerns

with the introduction of a half hipped roof form and the scale and number of dormer windows proposed within the property.

## **5. PROPOSALS**

- 5.1 The application seeks planning permission for the construction of a modest porch to the front of the dwelling and a replacement single storey rear extension.
- 5.2 The proposed porch would project approximately 1m to the front of the dwelling and would be approximately 1.8m<sup>2</sup> in size. It would be just over 3m in height at its highest point.
- 5.3 The proposed rear extension would extend the depth of the current rear extension by some 1.86m and would increase the width of the extension by some 1.34m. The extension would be constructed from brick and would have a tiled roof. A roof lantern would be provided to allow natural light to permeate into the centre of the extended area.
- 5.4 The proposals also seek permission of alterations to the roof of the property to facilitate the conversion of the loft space to habitable accommodation. There would be a minor alteration to the form of the roof resulting in a small crowned roof area and the removal of an existing chimney. Two dormer windows with pitched roofs would be located on the front roof slope with a further two dormers and linked area provided to the rear roof slope.
- 5.5 The alterations to the roof space would allow for the creation of a large master bedroom with en-suite, thereby increasing the size of the dwelling from a four bed property to a five bed unit.

## **6. REPRESENTATIONS**

### Consultation responses

- 6.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

- 6.2 No comments have been received from neighbouring parties.

## **7. PLANNING POLICIES**

### Main Documents:

National Planning Policy Framework (2023)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Kings Langley Neighbourhood Plan 2020-2038 (adopted September 2022)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

### Relevant Policies:

#### Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 – Selection of Development Sites  
CS5 – Green Belt



CS8 – Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 – Quality of Public Realm  
CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
Kings Langley Place Strategy  
CS35 – Infrastructure and Developer Contributions.

Kings Langley Neighbourhood Plan 2020-2038

Policy KL1 – Location of Development  
Policy KL3 – Character of Development  
Policy KL4 – Design of Development  
Policy KL5 – Energy Efficiency and Design  
Appendix B – Kings Langley Design Guidance and Code

Saved Dacorum Borough Local Plan 1991-2011

Policy 11 Policy 51 – Development and Transport Impacts  
Appendix 7 – House Extensions

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 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)

## **8 CONSIDERATIONS**

### Policy and Principle

- 8.1 The application site is located within the large village of Kings Langley where the extension of existing residential properties would be accepted in principle in accordance with Policies CS1 and CS4 of the Core Strategy and Policy KL1 of the Kings Langley Neighbourhood Plan (KLNP)

### Layout and Design

- 8.2 The proposed extensions to the existing dwelling are considered to be appropriate in terms of their layout, scale, design, bulk, height and use of materials in accordance with the requirements of Policy CS11 and CS12 of the Core Strategy and having regard to the requirements within Section HO.11 – Extensions and Alterations in the KLNP Design Guidance and Codes and Saved Appendix 7 of the Dacorum Borough Local Plan 1991-2011.
- 8.3 The design advice in HO.11 indicates that extensions to dwellings should be, amongst matters, respect the appearance of the existing dwelling and character of the street, they should be subordinate in scale and should not dominate the existing building. The importance of similar materials and details is emphasised within the KLNP Design Guidance and Code.

- 8.4 Saved Appendix 7 of the Local Plan 1991-2011 provides advice on house extensions and also indicates that extensions should harmonise with the original dwelling in terms of scale, roof form, window design and external materials. Rear extensions should not excessively enclose or affect neighbouring properties. It will normally be acceptable to provide dormer windows to the dwelling to facilitate the conversion of existing roof spaces to habitable accommodation but dormers should ideally be located on rear elevations of existing properties and should not extend above the ridgeline to the property, be set in a minimum of 1m from the flank walls and margins of the roof space and clad in similar materials to the main roof.
- 8.5 The proposals involve the construction of a modest porch to the front of the application site. This would be an open structure with timber piers supporting a pitched roof and dwarf walls constructed from a matching brick. The proposed porch would only require planning permission in view of its height but this is considered appropriate to tie into an existing canopy at the front of the dwelling. The proposed porch would not detract from the appearance of the property and is considered to be acceptable in accordance with Policies CS11 and CS12 of the Core Strategy, Policy KL4 and the KLNP Design Guidance and Codes and Saved Appendix 7 of the Local Plan 1991-2011.
- 8.6 The proposed alterations to the roof of the dwelling would include the construction of two front dormer windows. The loft conversion will also result in the removal of the existing chimney to the dwelling and modest alterations to the form of the roof. The application property extends to the full width of the application site and although the roof would be altered I do not consider that there would be any material impact on the spacing between the application property and neighbouring dwellings. Although the proposed development would be the first property on the street to provide front dormer windows, the neighbouring property at No.33 has constructed a significant two storey flat roofed front extension which has significantly altered the immediate roofscape. The proposed front dormers in view of their scale and the significant tree screening at the boundaries of the site are considered to have a negligible impact on the roofscape and appearance of Watford Road. I do not consider the proposals would result in any harm thereto. The proposed alterations to the roof would not result in a cramped appearance to the dwelling whose layout, scale, height and design would remain appropriate in accordance with Policies CS11 and CS12 of the Core Strategy.
- 8.7 Although dormer windows are not normally encouraged to the front elevations of existing properties, the proposed dormers are considered to be appropriate in terms of their overall scale and proportion, reflecting the fenestration below and suitably contained within the roof space such that they do not dominate the front elevation to the property. The dormer windows would meet the guidance in Saved Appendix 7 of the Local Plan 1991-2011 being set down from the ridge of the property and constructed a suitable distance from the roof margins. This would be acceptable in accordance with Policies CS12 of the Core Strategy, KL4 and the KLNP Design Guidance and Code and Saved Appendix 7 of the Local Plan.
- 8.8 The rear dormer windows, though larger, are likewise acceptable in view of their overall scale and design. These would be subordinate in height to the existing dwelling, constructed from matching materials and are not considered to be harmful to the overall character and appearance of the property. The rear dormer would be set down from the ridge and away from the roof margins in accordance with Saved Appendix 7 of the Local Plan 1991-2011
- 8.9 The existing conservatory would be replaced by a deeper and wider rear extension and the associated rear terrace would also be increased in size. This proposed extension would be located on the northern boundary of the application site adjacent to 29 Watford Road and its impact on the amenity of this property will be discussed below.

- 8.10 The proposed extension is considered to be appropriate in terms of its site coverage, scale, height, bulk, design and use of materials in accordance with Policy CS12 of the Core Strategy and KLN Design Guidance and Code. Although the extension would be over 6m in depth, the extension would only increase the depth of the extension and site coverage by 1.86m. The extension would have a crowned roof fitted with a roof lantern reducing its overall height. The height of the proposed extension would be consistent with the existing conservatory and the visual impact of the works upon neighbouring properties would be similar thereto.
- 8.11 The proposals would result in a modest increase in the footprint of the building as a result of the single storey rear extension and porch and this is not considered to result in a cramped appearance thereto.

#### Impact on Residential Amenity

- 8.12 The proposed extensions to the dwelling would not result in any significant harm to the amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan 1991-2011.
- 8.13 The loft conversion and alterations to the roof would have no impact on the daylight and sunlight to neighbouring properties and I am also satisfied that the rear and front dormer windows would not result in any significant loss of privacy to neighbouring properties in view of the large rear garden to the application site, the extensive vegetation to the eastern boundary of the site and separation distances to neighbouring properties to the front and rear of the site and the degree of overlooking from existing first floor windows.
- 8.14 The rear extension is also not considered to result in significant detriment to the amenities of neighbouring properties in view of its limited height and juxtaposition to these units. The extension although on the common boundary with No.29 only project approximately 3m beyond the rear elevation of this neighbouring property and would not result in any significant loss in either daylight or sunlight to the habitable rooms thereto. There would be no increased shadowing of the neighbouring unit and the area immediately to the rear of the dwelling beyond that provided by the existing hedgerow.
- 8.15 The proposals are not considered to have any impact upon the amenities of No.33.

#### Access and Parking

- 8.16 There is adequate off street parking within the curtilage of the property for the resulting dwelling in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020) There are at least four off-street parking spaces associated with the property which would be unaffected by the proposed front porch and extensions..

#### Other Material Planning Considerations

- 8.17 The proposals are not considered to raise any other significant material planning considerations.

#### Chiltern Beechwood Special Area of Conservation (SAC)

- 8.18 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species

(EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures. The proposed development given its nature is not considered to result in an increase in recreational pressure at the CBSAC and an Appropriate Assessment is not required in this instance.

**9. RECOMMENDATION.**

9.1 That planning permission be **GRANTED** subject to the conditions below:

**Conditions:**

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

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

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

**LP01 Location Plan  
SP02 Existing Site Plan  
SP01 Proposed Site Plan  
E100 Existing Plans  
E101 Existing Elevations  
P101.5 Proposed Plans  
P101.15 Proposed Loft  
P102.5 Proposed Elevations  
P103 Proposed 3D Views  
P105 Proposed Roof Plans**

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

- 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

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)

**INFORMATIVE**

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.

Contamination

Guidance on how to assess and manage the risks from land contamination can be found here

<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Kings Langley Parish Council	Objection - The Council feels that because of the bulk and size of the proposed extension, this would result in an over-cramping of the plot

## APPENDIX B – NEIGHBOUR RESPONSES

No comments have been received from neighbouring parties.

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## PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (April 2023)

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. 2019 planning permission implemented though approved replacement dwelling not yet built and mobile home remains. Case review required to decide if further action necessary.
2	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.
3	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

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										needed to check material removed and to check compliance with conditions of permission.
4	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. Changes almost entirely completed and remaining deviations insignificant harm. Case review needed with a view to closure.
5	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 and case has been closed Nov 2020. Site now replaced with approved portal framed agricultural building. *Complied with to be removed from list*
6	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

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									refused and dismissed at appeal 13 July 2022. Owner declined to attend Interview Under Caution Sept 22. Next formal steps being considered.	
7	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	*complied with-case to be removed from list*
8	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	Not complied	EN served following dismissal of planning appeal regarding same development. Appeal dismissed – Successful prosecution in Crown court *3 months given for compliance due December*
9	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 / split decision	18 Dec 21	Not complied	Appeal decision split, planning permission granted for a number of buildings and uses on the site, enforcement notice upheld in relation to some matters. Planning permission granted March 2022 for storage, salvage, re-cycling under 21/04629/FUL subject to condition. Case review carried



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										out and found enforcement notice where upheld at appeal has not been complied with. Discussions underway with new owners as to how to secure compliance but also guide new appropriate development.
10	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	Not complied	Breach of condition notice issued. 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. Amended scheme approved under 20/01656/ROC in April 2022. Case review to take place.
11	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 vehicular access points and roadways within the site.	17 Jul 20	28 Aug 20	17 Jul 21	Yes dismissed 28.02.22	28 Feb 23	Partly complied	Appeal conjoined with 3 x planning appeals for refusals of numerous developments at this site. All 4 appeals dismissed. *partial compliance last step to restore land not complied however no further action

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										case to be removed from list*
12	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	Yes / dismissed	26 May 24	n/a	Appeal submitted – appeal dismissed, notice upheld. Homeowner now has until 26 May 2024 to comply.
13	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	Yes / dismissed	10 Sep 21	Not complied	Appeal submitted – appeal dismissed – new compliance date 10 September 2021. No compliance – need to consider next steps.*in discussions with Legal for potential action*
14	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 Part allowed 29.10.21	29.02.21	Part complied	21/02829/FUL granted, allowing compromise scheme. Appeal decision part allowed for compromise scheme. *Case re allocated to review compliance.*
15	E/21/00043/ LBG	121 High Street, Markyate	Internal works to create flats following refusal of listed building consents	23 Jun 21	21 Jul 21	21 Oct 21	No		Partly complied	Listed building EN issued in relation to the works carried out inside the premises. Notice was not appealed and compliance required

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										by 21 Oct 21. *Works commenced have now ceased officers in discussions with Legal for potential action*
<b>16</b>	E/19/00395	26 Morefields, Tring, HP23 5EU	Construction of a raised platform above a stream/ditch and the possibility of damage to adjacent trees, part of a woodland TPO 337	28 Jul 21	30 Aug 21	30 Aug 22	No		Partly complied	Enforcement notice issued following refusal of 19/02948/RET. Notice requires removal of decking and hard landscaping. Partial compliance by Aug 22 deadline. *Case allocated to be reviewed*
<b>17</b>	E/21/00041/ NPP	The Old Oak, Hogpits Bottom, Flaunden	Change of use of the land to a mixed use of wood chopping/fire wood business and the siting of a mobile home/caravan for residential purposes	09 Dec 21	13 Jan 22	13 Jan 23	Yes		Not complied	Appeal to be dealt with by public inquiry. Date to be set by Planning Inspectorate. Discussions ongoing with Parish Council.*Inquiry date set 13 <sup>th</sup> December statement to be issued followed by statement of truth*
<b>18</b>	E/21/00430/ NPP	1 The Orchard, Kings Langley	Erection of a fence	5 July 22	5 Aug 22	16 Aug 22	Yes			Appeal statements submitted to Planning Inspectorate. Awaiting appeal decision

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										*compliance- case to be removed from list*
19	E/22/00168/ COL	Cupid Green Lane, South of Gaddesden Lane.	Storage of cars	14 June	15 Jul 22	15 Aug 22	No		Not complied	Witness Statements written. Legal options being pursued. Interviews under caution were not attended invited for further interview following legal advice. the further interview was not attended-to have follow up meeting with legal
20	E/18/00096	Land at Flint Cottage, Barnes Lane, Kings Langley WD4 9LB	Commercial and domestic storage	7 Oct 22	8 Nov 22	8 Sept 23	No		n/a	Still within compliance period *case allocated for compliance check*
21	E/21/00302/ NPP	45 Lawn Lane, Hemel Hempstead HP3 9HL	Use of outbuilding as independent dwelling	25 Oct 22	25 Nov 22	25 Aug 23	Yes			Appeal Statements submitted; awaiting appeal *appeal dismissed awaiting compliance date 9 month after appeal*
22	E/19/00444/ NAP	Land east side Cupid Green Lane, Hemel Hempstead	Without planning permission erection of buildings on land	18 Nov 22	20 Dec 22	20 Jul 23	Yes			Statement written; awaiting appeal decision
23	E/19/00444/ NAP	Land east side Cupid Green Lane, Hemel Hempstead	Without planning permission the change of use of the land from agricultural to a mixed use of agriculture, domestic, and commercial uses not reasonably associated with agriculture	18 Nov 22	20 Dec 22	8 Apr 23	Yes			Statement written; awaiting appeal decision

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24	E/22/00349/ NPP	Berry Farm, Upper Bourne End Lane, Hemel Hempstead	Without Planning permission the siting of 3 steel clad containers and the erection of post and wire fencing	16 Dec 22	30 Jan 23	30 Jul 23	Yes		Waiting appeal result	Statement in waiting decision
<b>25</b>	E/19/00221	37 West Valley Road, Hemel Hempstead, HP3 0AN	Without planning permission, the erection of high fencing, a covered storage area, installation of a retaining wall and steps, also changes to land levels in the rear garden associated works.	4 Jan 23	3 Feb 23	3 Aug 23	No		N/A	*New compromise scheme submitted 23/02186/FUL pending consideration*
26	E/22/00293/ NAP	Martlets, The Common, Chipperfield	. Without planning permission, the construction of a detached structure to provide two semi detached outbuildings	16 Jan 23	20 Feb 23	20 Aug 23	Yes		Waiting appeal result	Statement in waiting decision
27	E/17/00254	Zeera, 49 High Street, Bovington	Condition 2,3,7 and 8 of 4/00714/14/FUL	16 Jan 23	16 Jan 23	16 Jul 23	N/A		N/A	outside compliance but submitted DRC
28	E/19/00229	85-87 High Street, Berkhamsted	Without planning permission, the replacement of a ground floor bay window, ground floor window and entrance door on the principle elevation	16 Jan 23	20 Feb 23	20 Nov 23	Yes		Waiting appeal result	Statement in waiting decision
29	E/22/00143/ COB	60 Thumpers, HH	Without planning permission The conversion of one dwelling into two separate residential units.	26 Jan 23	9 Mar 23	9 May 23	No		N/A	Still within compliance period

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30	E/20/00157/ NAP	Land Lying South East of Cupid Green Lane 'Plot G'	Without planning permission, unauthorised change of use from agriculture to carpentry business and unauthorised erection of miscellaneous outbuildings within the Green Belt	16 Feb 23	30 Mar 23	30 Oct 23	Yes		Waiting appeal result	Statement in waiting decision
31	E/20/00157/ NAP	Land Lying South East of Cupid Green Lane 'Plot G'	Without planning permission, unauthorised change of use from agriculture to carpentry business and unauthorised erection of miscellaneous outbuildings within the Green Belt	16 Feb 23	30 Mar 23	30 Oct 23	Yes		Waiting appeal result	Statement in waiting decision
<u>32</u>	E/22/00130/ NAP	Land Adjacent to 22 Brook Street, Tring	Breach of condition attached to appeal decision on 10 <sup>th</sup> September 2018	19/04/2023	19/04/2023	19/07/2023	No		N/A	*New application submitted 23/02194/FUL*
<u>33</u>	E/22/00280/ NPP	Land at Abilea Meadows, Friendless Lane	Without Planning Permission, the siting a Shipping Container	19/04/2023	31/05/23	30/11/2023	Yes		Waiting appeal result	*Statement in waiting decision*
<u>34</u>	E/22/00368/ COL	25 Crossways, Hemel Hempstead, HP3 8PU	Without Planning Permission, the change of use of the land for the parking and storing of commercial vehicles	27/04/2023	08/06/2023	08/07/2023	Yes		Waiting appeal result	*Statement in waiting decision*
<u>35</u>	E/22/00315/ COB	86 Chipperfield Road, Kings	Without Planning Permission, the	27/04/2023	08/06/2023	08/01/2024	Yes		Waiting appeal	*Statement in waiting decision*

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		Langley, WD4 9JD	change of use of a building to a standalone dwelling						result	
<u>36</u>	E/23/00123/ NPP	Land at Church Road, Little Gaddesden, Berkhamsted, Herts	Without planning permission, unauthorised erection of field shelter/building	27/04/2023	09/06/2023	09/10/2023	Yes		Waiting appeal result	*Statement in waiting decision pending legal negotiation*
<u>37</u>	E/23/00123/ NPP	Land at Church Road, Little Gaddesden, Berkhamsted, Herts	The condition and appearance of the land with the disused vehicles and miscellaneous materials not associated with the agricultural use	28/04/2023	08/06/2023	08/10/2023	Yes		Waiting appeal result	*Court adjourned to 25 <sup>th</sup> October-legal in process of negotiation*
<u>38</u>	E/20/00462/ S215	72 Grove Gardens, Tring	The condition of the property, in particular the first floor dormer window and the ground floor window on the principle elevation has a detrimental impact on the amenity of the neighbouring properties and the general streetscene. The front garden is continually left to over grow and go to weeds	11/05/2023	22/06/2023	22/12/2023			N/A	*Still within compliance period*
<u>39</u>	E/23/00096/ NPP	2 Bulstrode Close, Chipperfield, Kings Langley, Hertfordshire, WD4 9LT	Without planning permission, unauthorised insertion of a window on the first floor side elevation (western elevation).	20.06.2023	01.08.2023	12/09/2023			N/A	*appealed-questionnaire in*

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40	E/23/00134/S215	land situated 4 Wheelers Yard, Tring Road, Long Marston, Tring, HP23 4FL	S215 The condition and the amount of materials within the land does impact the amenity of this area and does not seek to preserve the conservation area	20.06.23	01.08.23	01/02/2024			N/A	Still within compliance period
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**The Following Cases are being added to the list for the first time**

41	E/22/00334/BOC	Keymers Chapel Croft Chipperfield WD4 9EQ	Breach of conditions 7 and 8	14.07.23	14.07.23	14/01/2024			N/A	*Still within compliance period*
42	E/23/0006/BOC	The Crystal Palace Station Road Berkhamsted Hertfordshire HP4 2EZ	Breach of conditions 5,9,10 and 11	31.07.23	31.07.23	31/09/2023				*None compliance-delayed carrying out necessary acoustics survey *
43	E/22/00042/NPP	The Stores, St Pauls Road, Hemel Hempstead, HP2 5DB	Use of the premise for vehicle repairs, servicing and maintenance and the fitting and repairs of tyres MCOU notice	31.07.23	11.09.2023	11/01/2024				*Still within compliance period*
44	E/22/00042/NPP	The Stores, St Pauls Road, Hemel Hempstead, HP2 5DB	Use of the premise for vehicle repairs, servicing and maintenance and the fitting and repairs of tyres STOP NOTICE	31.07.23	14.08.23	14/08/2023				*Complied with-notice will be removed from next list*
45	E/22/00340/	17 Thistle Close,	Without Planning	31.07.23	11.09.23	11/01/2024				*Still within



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	NPP	Hemel Hempstead, Hertfordshire, HP1 2DE	Permission, the erection of a timber framed extension forward of the principle elevation							compliance period*
<b>46</b>	E/22/00179/COB	Hillside View, Old Watling Street, Flamstead, St Albans, Hertfordshire, AL3 8HL	Without planning permission, the change of use of a residential outbuilding to a commercial dog grooming business	04.09.23	16.10.23	16/12/2023				*Still within period before effective date*
<b>47</b>	E/22/00382/ENG	Land adj to Beechwood cottages	Relating to the material change of use Without Planning Permission, the change of use of the land for the display and sale of vehicles and the siting of a shipping container for use as an office. Relating to the Operational Development Facilitating the change of use Without Planning Permission, the installation of gates, fencing and the laying of hardstanding which facilitates this use.	21.09.23	02.11.23	02/09/2024				*Still within period before effective date*