

**4/02236/17/ROC - VARIATION OF CONDITION 16 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00276/16/FUL (DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS.).**

**WOODTHORPE, 1B BOXWELL ROAD, BERKHAMSTED, HP4 3ET.**

**APPLICANT: Beris Homes.**

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[Case Officer - Andrew Parrish]

### **Summary**

The application is recommended for approval. The proposal comprises an amendment to the overall slab level of the development, raising it by 300 mm in relation to the road. It is also proposed to marginally raise the sill height of the utility window serving each dwelling. All other aspects would remain unchanged from that approved in 2016. The changes would not adversely affect the character or appearance of this part of the Berkhamsted Conservation Area and there would be no material harm to residential amenities.

### **Site Description**

The site formerly comprised a mid C20 detached bungalow of no particular architectural merit which is situated within the Berkhamsted Conservation Area on the south east side of Boxwell Road close to the town centre. Permission was granted in May 2016 to demolish the existing bungalow and to erect a pair of semi-detached 2-storey dwellings. The development has been implemented and is currently under construction.

The site falls in a road that is comprised mainly of a 2-storey terraced Georgian, Victorian and Edwardian properties. The site is steeply sloping such that the neighbouring bungalow, Kriana, to the north east is at a significantly lower level (approximately 2 m), and conversely the Boxwell Road Surgery to the south west is at a significantly higher level (approximately 2 m). The site backs onto residential properties in Park View Road.

### **Proposal**

In May 2016 planning permission was granted to demolish the existing bungalow and to erect a pair of semi-detached 2-storey dwellings in a Victorian pastiche style with off-road parking and vehicular accesses from Boxted Road (4/00276/16/FUL).

This current application seeks amendments to Condition 16 of the approved scheme through section 73 of the Planning Act, wherein the list of the approved plans is to be amended to list the updated plan numbers and formalise the amendments to the scheme.

The amendments relate to a change in levels which differ from the approved plans by approximately 300 mm. There is said to be a slight discrepancy in the road level, with the result that the ridge of the lower plot ('Kriana' bungalow) is slightly lower and the ridge of the upper plot (Doctors surgery) slightly higher than shown on the approved plans. However, the principle change is that the construction is built on higher ground levels (relative to the road) with the overall effect that the ridge height of the new construction is 300 mm higher than approved.

A minor amendment is also proposed in respect of the utility room window sill heights to the front elevation which have been raised by 150 mm.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

## Planning History

- 4/00803/17/DRC DETAILS REQUIRED BY CONDITIONS 2 (MATERIALS), 3 (APPROVED PLANS), 4 (HARD AND SOFT LANDSCAPING) AND 6 (SUSTAINABILITY) ATTACHED TO PLANNING PERMISSION - 4/00276/16/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS.  
Granted  
23/05/2017
- 4/00804/17/NM A NON MATERIAL AMENDMENT TO PLANNING PERMISSION 4/00276/16/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS.  
Granted  
25/04/2017
- 4/00238/17/DRC DETAILS AS REQUIRED BY CONDITION 5 (RECYCLE AND REUSE DEMOLITION AND CONSTRUCTION MATERIALS) AND 15 (CONSTRUCTION MANAGEMENT PLAN) OF PLANNING PERMISSION 4/00276/16/FUL (DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS.)  
Granted  
23/03/2017
- 4/00276/16/FUL DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS.  
Granted  
03/05/2016
- 4/01456/14/PRE NEW DWELLINGS TO REPLACE EXISTING BUNGALOW.  
Unknown  
03/11/2014
- 4/00230/13/FHA LOFT CONVERSION WITH REAR DORMER. FRONT PORCH, REMOVAL OF REAR BAY WINDOW AND REPLACEMENT WITH FRENCH DOORS. NEW RETAINING WALL.  
Granted  
23/04/2013

## Policies

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
Circular 1/2006, 05/2005

### Adopted Core Strategy

NP1 - Supporting Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS19 - Affordable Housing  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 54, 58, 99, 100, 111, 120, 122 and 124  
Appendices 1, 3 and 5

### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)  
Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Conservation Area Character Appraisal and Policy Statement for Berkhamsted  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)

### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)  
Article 4(2) Direction (Land at 1 to 28 Boxwel Road, Berkhamsted)  
Refuse Storage Guidance Note March 2015

## **Summary of Representations**

### Berkhamsted Town Council

Objects: The Committee strongly objects.

The original planning permission does not appear to have been complied with. The Town Council would request that a Planning Officer and an Enforcement Officer visit the site. Then, as necessary, the application should be withdrawn and resubmitted to reflect accurately what is actually being built. The houses appear to be substantially higher and nearer to the front of the site than is shown on the plans. This impacts adversely on the amenity of neighbouring properties and those opposite.

P120, Appendix 3 (i) and (iv); CS11 and CS12.

### HCC Highways

Does not wish to restrict the grant of permission. The variation is to approve new drawings which take into account more accurate construction site levels, and a minor amendment to the utility room window sill.

### Building Control

No comment

### Conservation

The proposals involve minor changes due to a discrepancy between levels assumed at the application stage and those found when construction had begun. On review of the drawings we believe that any alteration would have a minimal impact on the character of the conservation area given the previous approval. As such we would not object to the proposal.

### Historic Environment Officer

In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposed variation of Condition 16.

### Herts Property Services

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

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

16, 17, 21, 22, 24 Boxwell Road, 1 and 3 Park View - Object for the following reasons (in summary):

- The building has been constructed 500 mm higher than approve, not 300 mm
- The building is sited 500 mm closer to the road than approved
- The "rights of light" document is invalid
- A revised roof line should be considered
- Loss of sunlight to No. 22 Boxwell Road and Kriana
- Overlooking of 1 and 3 Park View Road
- Loss of sunlight to No. 1 and 3 Park View Road

### **Considerations**

#### Key issues

The principle issue is whether the change in levels would be detrimental to the appearance and character of the Conservation Area or would impact adversely on residential amenities.

Condition 16 lists the approved plans. It is therefore proposed to substitute these with the amended plans. It would also be expedient to include that agreed under the NMA application.

#### Discussion

Reference should be made to the report on 4/00276/16/FUL which granted permission for 2 dwellings

(<https://democracy.dacorum.gov.uk/documents/g215/Public%20reports%20pack%2028th-Apr->

The only consideration with this application is the impact of the change in levels and the sill heights of two windows. It is not possible to revisit the principle of two dwellings on the site or their siting and overall appearance.

In terms of the Conservation Area, the raised ground level of the construction by 300 mm would have minimal impact on the overall height and scale of the dwellings and is not considered to result in any material harm to the appearance or character of the street scene or Conservation Area. The stepped configuration of the pair of dwellings is a main design element which does not change. There is no change to the layout of the approved development and the detailed design, appearance and materials also does not change. The proposal would still result in an enhancement to the Conservation Area compared with the pre-existing bungalow.

In visual terms, the amendments are considered acceptable and would comply with Policies CS11 and 12 and 27, as well as saved Policy 120.

Individual objections have been received from a number of residents and neighbours, principally on grounds of loss of sunlight / daylight. Objectors allege that the applicant's agent / architect has been asked to comment on the above and has stated:

- "The buildings location in relation to the road is as per the planning drawings. Dimensions have been confirmed on site.
- The dimensions suggested on the comments received are incorrect. The scale bar should be referred to in order to check that the building has been printed to the correct scale.
- The daylight and sunlight study does reflect the updated position of the house. Please note Appendix 1B in relation to further survey information gathered which the centre of the pair of No.22 is 250mm higher than the original daylight report and thus improving the daylighting from the original application. Please also note that DLA undertook the second test in relation to the BRE Site Layout Planning for Daylight and Sunlight Test and the site is well above the 27% visible daylight recommended therefore adequate daylight would be achieved. "

The only change from the approved plans therefore is in relation to an increase in height by 300 mm. The position relative to the road has been checked on site by the case officer and found to be correct within a tolerance of 100 mm. There is no repositioning of the building. A revised Daylight and Sunlight Assessment supports the application. The figures therein were recalculated by the consultant using the amended plans based on the 300 mm discrepancy in measured levels. The study concludes that the proposed dwellings would only have a minimal effect on the daylight or sunlight reaching No 22 Boxwell Road or 'Kriana', the worst affected properties, and the daylight and sunlight received by these dwellings would be well within the acceptable levels as set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'. The position of the reference point in the bay window of No. 22 Boxwell Road has also been resurveyed and found to be 225 mm higher than previously assessed, thereby off-setting any harm caused by the 300 mm raised slab level of the development. Based on this it is considered a refusal on loss of light grounds would be very difficult to justify on appeal. The impact on other properties in Boxwell Road would be even less and therefore a refusal on loss of light grounds here could not be substantiated.

Nos. 1 and 3 Park View Road to the rear both object on grounds of loss of sunlight and loss of privacy to rear facing habitable rooms and visual impact. However, given the distance of some 30 metres to rear windows in No. 1, the proposal would accord with the minimum back to back distance of 23 metres set out in Appendix 3 of the Borough Plan. There is a 2 metre dividing rear fence and an intervening high outbuilding in the garden of No. 1 which prevents any overlooking between rear facing ground floor windows. Therefore it is not considered that there would be any loss of privacy.

No. 3 is set closer at 26 metres although its siting is slightly offset to the application site. It has a 1.6 - 1.7 m high dividing rear garden wall which offers some privacy but would not have prevented complete overlooking even with the previous bungalow. However, due to the increase in slab level height of 300 mm, the rear boundary wall no longer offers a suitable visual screen to prevent overlooking between rear facing ground floor windows. In recognition of this issue, the applicant has agreed to erect a rear fence 0.4 metres higher than the existing wall. This is shown on a revised landscaping plan 17002\_AL(0)013 Rev D and is considered to mitigate the issue of overlooking and loss of privacy to No. 3. A condition would be expedient to ensure its erection prior to occupation.

With regards to the height, it is not considered that the proposal would be excessively imposing or, given the favourable orientation and distance, that there would be any loss of sunlight that could justify refusal in this case.

Based on the above, it is concluded that there would be no significant harm to adjoining residential amenities as a result of the development and the proposal would accord with Policy CS12.

#### Other matters

Due to the introduction of CIL from July 2015, there is no general requirement for other contributions to physical and social infrastructure as required by the Council's adopted Planning Obligations Supplementary Planning Document. The amendments do not result in any increase in floorspace above the 100 sqm. threshold that would trigger an additional CIL requirement. It is understood that charges have been issued and instalments received under the original approval. The proposal therefore complies with saved Policy 13 and CS35 of the Core Strategy.

The development has been implemented. Condition 1 is therefore not relevant anymore.

Conditions 2, 3, 5, 6 and 15 of PP 4/00276/16/FUL have been approved under 4/00238/17/DRC and 4/00803/17/DRC and these conditions should be reworded accordingly to reference these approvals.

Condition 4 relates to landscaping, including privacy fencing, and should be reworded accordingly to refer to revised Drg. No. 17002\_AL(0)013 Rev D.

Conditions 7, 8, 9, 10 are compliance conditions and remain relevant and should be reattached.

Conditions 11 and 12 remain relevant but should be reworded to refer to the amended elevation drawings.

Conditions 13 and 14 remain relevant and should be reattached.

Condition 16 lists the approved plans and should be updated to refer to the revised plans. The revised plans submitted under 4/00804/17/NMA should also be incorporated for clarity and avoidance of doubt. The NMA will effectively fall away as it only relates to the original permission 4/00276/16/FUL and a new permission will be issued.

In conclusion, there is no objection to this minor material amendment.

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

- 1 The development shall be carried out in accordance with the materials**

**approved under application reference 4/00803/17/DRC.**

Reason: To ensure a satisfactory appearance to the development in the interests of the character and appearance of the Berkhamsted Conservation Area in accordance with saved Policy 120 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 2 The development shall be carried out in accordance with the approved plans and elevations and in accordance with the 1:20 details approved under application reference 4/00803/17/DRC.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the character and appearance of the Berkhamsted Conservation Area in accordance with Policies CS12 and 27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 3 The development shall be carried out in accordance with the details of hard and soft landscaping shown on Drg. No. 17002\_AL(0)013 Rev D. The approved landscape works, including privacy fencing to the rear boundary, shall be carried out prior to the first occupation of the development hereby permitted.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of five 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 to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 4 The development shall be carried out in accordance with the details of measures to recycle and reduce demolition and construction waste approved under application reference 4/00276/16/DRC.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the building will already have been demolished and the materials disposed of, thereby

undermining the control of the local planning authority in respect of achieving a sustainable form of development.

- 5 **The development shall be carried out in accordance with the details of sustainable drainage approved under application reference 4/00803/17/DRC. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 of the Dacorum Core Strategy September 2013 and adopted Supplementary Planning Guidance. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority in respect of achieving a sustainable form of development and potentially increasing costs and delays for the applicant if they have to be changed.

- 6 **The development hereby permitted shall be carried out in accordance with the CS29 Sustainability Checklist approved under application reference 4/00276/16/FUL.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 and Para. 18.22 of the Dacorum Core Strategy September 2013.

- 7 **The gradient of the vehicular access shall not exceed 1:20 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.**

Reason: In the interests of the safety of persons using the access and users of the highway in accordance with saved Policies 51 and 54 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 8 **Prior to the first occupation of the development hereby permitted pedestrian visibility splays shall be provided in full accordance with the details indicated on the plan 15066\_AL(0)010 G and 15066\_AL(0)011 G approved under application reference 4/00276/16/FUL. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway.**

Reason: In the interests of highway safety in accordance with saved Policy 51 and 54 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 9 **Prior to the first occupation of the development hereby permitted the vehicular accesses and driveways shall be provided and thereafter retained in the position shown on plan 15066\_AL(0)010 G approved under application reference 4/00276/16/FUL, in accordance with Roads in Hertfordshire. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities, satisfactory access into the site and to avoid the carriage of extraneous material or surface water into the highway in the interests of highway safety in accordance with saved Policies 51, 54 and 58 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 10 **The window at second floor level in the North East elevation of the development hereby permitted as indicated on Drg. No. 15066\_AP(0)117 A shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 11 **The windows at first and second floor level in the South West elevation of the development hereby permitted as indicated on Drg. No. 15066\_AP(0)119 A shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.

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

**Schedule 2 Part 1 Classes A, B, C and D  
Part 2 Class A**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Berkhamsted Conservation Area and in the interests of ensuring adequate car parking provision in accordance with Policies CS12 and 27 of the Dacorum Core Strategy (September 2013) and Policies 58 and 120 of the Dacorum Borough Local Plan 1991-2011.

- 13 **The permission hereby granted shall be limited to the provision of no more than 4 bedrooms to each of the two dwellings, and no additional bedrooms shall be created without the further specific permission of the local planning authority by way of a separate planning application.**

Reason: For the avoidance of doubt, and to ensure control over the development in the interests of limiting the demand for additional parking on the highway and associated congestion and highway safety issues, in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 58 of the Dacorum Borough local Plan 1991-2011.

- 14 **The development shall be carried out in accordance with the Construction Management Plan approved under application reference 4/00276/16/DRC. The approved statement shall be adhered to throughout the construction period.**

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as it is necessary to ensure that the measures are planned and in place at the start of demolition / construction.

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

**15066\_AL(0)001 Rev A  
15066\_AL(0)002 Rev A**

**15066\_AL(0)003 Rev A**  
**15066\_AL(0)004 Rev A**  
**15066\_AL(0)005 Rev A**  
**15066\_AL(0)006 Rev A**  
**15066\_AL(0)007 Rev A**  
**15066\_AL(0)008 Rev A**  
**15066\_AL(0)009 Rev A**  
**15066\_AL(0)010 Rev G**  
**15066\_AL(0)011 Rev G**  
**15066\_AL(0)012 Rev D**  
**15066\_AL(0)013 Rev E**  
**15066\_AL(0)014 Rev D**  
**15066\_AP(0)115 Rev A**  
**15066\_AP(0)116 Rev A**  
**15066\_AP(0)117 Rev A**  
15066\_AL(0)018 Rev B- should be updated  
**15066\_AP(0)119 Rev A**  
**15066\_AL(0)020 Rev D**

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

#### Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the pre-application stage and determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

#### INFORMATIVES:

##### Thames Water

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

##### Water comments

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

##### Highway Authority

S278 Agreement: Where works are required within the public highway to facilitate the

new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on the Road: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Environmental Health

- Piling Works

If piling is considered the most appropriate method of foundation construction. Prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with and to comply with Dacorum Borough Councils Policies

1) Noise on Construction/Demolition Sites

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

2) Construction hours of working – plant & machinery

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays

3)        Dust

As advised within the application documentation, dust from operations on the site should be minimised by spraying with water or by carrying out 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*.

4)        Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.