

4/03325/17/MFA	DEMOLITION OF FORMER GARAGE BUILDINGS AND REDEVELOPMENT TO PROVIDE 12 NEW DWELLINGS THROUGH A COMBINATION OF CONVERSION AND NEW BUILD.
Site Address	9-11 & 13, HIGH STREET, BERKHAMSTED, HP4 2BX
Applicant	Housing and Regeneration, Dacorum Borough Council, The Forum
Case Officer	Sally Robbins
Referral to Committee	The application is a Dacorum Borough Council scheme

1. Recommendation

1.1 That planning permission be **DELEGATED to the Group Manager, Development Management and Planning with a view to approval**

2. Summary

2.1 The site is located within a designated residential area of Berkhamsted wherein the principle of development is acceptable in accordance with Policies CS4 and CS17 of the Core Strategy (2013). This is a revised application to that approved in 2015 for 11 units, which has now been implemented. The amended scheme comprises mainly internal changes to the existing buildings facing the High Street. In the approved scheme these units were to be converted into two residential units. It is now proposed that they are converted into three residential units. No changes are proposed to the new build or car parking elements of the scheme.

2.2 There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The access to the development would not compromise highway safety and the site would be enhanced by additional planting and landscaping. The design and form of the development would have a positive impact on the character of the area and would enhance the character and setting of the Conservation Area.

3. Site Description

3.1 The application site is located on the corner of Swing Gate Lane and High Street Berkhamsted. The site formerly comprised a used car sales business with various outbuildings, which have since been demolished. The site also comprises three locally listed buildings numbered 9, 11 and 13 High Street, which were previously used as a tool hire shop and offices. The site is square in shape and is bounded to the northwest and southwest by residential development, including 15 High Street to the northwest and 2-4 Curtis Way to the southwest. The application site is situated opposite to Swing Gate Lane School and is within Berkhamsted Conservation Area and an Area of Archaeological Significance.

4. Proposal

4.1 The application seeks full planning permission for the demolition of the former garage buildings and redevelopment to provide 12 new dwellings through a combination of conversion and new build. The application is an amended scheme of planning

permission ref. 4/01895/15/MFA. The amendments are all associated with the conversion of 9, 11 and 13 High Street and comprise mainly internal reconfiguration in order to provide an additional dwelling. No changes are proposed for the new build element of the previously approved scheme and no changes are proposed to the car parking area or amenity spaces. It was planned to convert 9, 11 and 13 High Street to two units but the Council consider an improved layout would achieve three units.

4.2 The number of affordable units remains the same (11) and the additional unit would be sold on the open market.

5. Relevant Planning History

5.1 An application for 11 units was granted planning permission in June 2015 (ref. 4/01895/15/MFA). Prior to this an application for 12 units was refused at Development Management Committee in March 2015 as it was considered by members that the scheme was of a scale and height not in keeping with the surrounding built form. The subsequently approved scheme was reduced in scale and it was considered to adequately address the issues raised.

5.2 The Council acquired the site and the approved scheme is currently being implemented with the construction of 9 new build dwellings. However, no work has yet been undertaken to the retained buildings at 9, 11 and 13 High Street.

5.3 A Non-Material Amendment (ref. 4/03062/17/NMA) to the approved scheme involved the reconstruction of the boundary wall between the application site and 15 High Street. The approved wall is to remain the same height, however will be constructed of conservation style facing brickwork and coping. Also amended was the rear amenity space to 9, 11 and 13 High Street, which is now to be finished in block paving rather than soft landscaping.

5.4 A further Non-Material Amendment (4/03323/17/NMA) to the approved scheme involved changes to the frontages of the retained High Street units, including replacing the shop front windows with facing brickwork on 9 High Street and replacing the large window on 13 with two smaller ones with rendered infill.

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy

CS1, CS2, CS3, CS4, CS8, CS9, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS23, CS27, CS28, CS29, CS30, CS31, CS32 and CS35

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 58, 111 and 120
Appendices 3, 5 and 7

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Water Conservation & Sustainable Drainage (June 2005)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Planning Obligations (April 2011)
- Affordable Housing (Jan 2013)

6.5 Advice Notes and Appraisals

- Sustainable Development Advice Note (March 2011)
- Conservation Area Character Appraisal Berkhamsted

7. Constraints

- Former Land Use
- Locally Listed Buildings (9, 11 & 13 High Street)
- AREA OF ARCHAEOLOGICAL IMPORTANCE
- CONSERVATION AREA

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and Principle
- Layout and Design
- Impact on Street Scene/Conservation Area
- Impact on Neighbours
- Affordable Housing Provision
- Impact on Highway Safety and Parking Provision
- Ecology
- Archaeology

Policy and Principle

9.2 The proposal for residential development which comprises the refurbishment of numbers 9, 11 and 13 High Street is welcomed and supported in principle. Policy CS17 of the Core Strategy seeks to meet the housing need with new housing development. The site was previously used as a car sales/repairs/wash for some time and was

considered to be a poor neighbour for the residential properties surrounding it and a negative feature of the Conservation Area.

9.3 The proposal therefore conforms with the strategic policies relevant to the site. The proposals are considered to be in accordance with NP1 and CS1 of the Core Strategy as well as the NPPF and NPPG.

Layout and Design

9.4 The proposal seeks amendments to the three conversion units fronting the High Street. The previously approved scheme comprised 1 x three-bedroom unit and 1 x two-bedroom unit, which were arranged in a flying freehold layout. The current scheme seeks to reinstate the original built form of three dwellings, comprising 2 x three-bedroom houses and 1 x two-bedroom house. Further negotiations between the applicant and the Conservation and Design Team have resulted in slight amendments to the frontages of 9, 11 and 13 High Street, along with the retention of the first floor level to number 11.

9.5 The amendments are mainly internal and it is considered that the proposed layout would be an improvement to the approved scheme. The applicant has indicated that the proposed dwelling sizes meet the Council's social housing needs and, as far as can be achieved within the confines of the existing fabric, the dwellings would meet the Government's Technical Housing Standards.

Impact on Street Scene/Conservation Area

9.6 Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Policy CS27 seeks to protect, conserve and if appropriate enhance the integrity, setting and distinctiveness of designated and undesignated heritage assets. The redevelopment of the site is welcomed and supported and is considered to enhance Berkhamsted Conservation Area providing a good quality development that is the gateway into Berkhamsted. The locally listed buildings on the High Street are proposed to be retained and converted as part of this application. No objection is raised to the works proposed to enable these buildings to convert to residential use.

9.7 The existing buildings on the site (with exception to numbers 9, 11 and 13) were identified as making a negative contribution to the character of the Conservation Area, marking a poor quality environment at the entrance of the town. These buildings have been removed in accordance with the approved scheme (ref. 4/01895/15/MFA) and it is considered that the sympathetic design and scale of the new build element of the proposal, as well as the conversion units, will make a positive contribution to this prominent site and the wider street scene and Conservation Area.

9.8 Details of materials and landscaping with regards to the new build element have been approved under application ref. 4/01359/17/DRC. The Conservation Officer has requested a condition for the submission of details pertaining to the frontage of 9, 11 and 13 High Street.

9.9 It is considered that the redevelopment of the site will positively enhance the character and appearance of the street scene and Berkhamsted Conservation Area, in accordance with Policies CS12 and CS27 of the Core Strategy.

Impact on Neighbours

9.10 2 Curtis Way shares the southwest boundary with the application site. The previously approved scheme adequately addressed concerns raised by residents that the proposal was overbearing and would result in loss of privacy. The scheme was reduced in height and one window was removed from the flank elevation.

9.11 In terms of 4 Curtis Way, the proposals are not considered to result in any significant harm to this property in terms of privacy, loss of light or overbearing impact.

9.12 Number 15 High Street shares the boundary wall along the northwest margin of the application site and adjoins 13 High Street, which is to be converted to a residential unit. In accordance with the submitted plans, the existing boundary wall is to be retained. An objection has been received from number 15, commenting that they are currently in discussion with surveyors regarding proposed changes to the party wall. The neighbours have stated that they would object to any reduction in wall height. The plans submitted with this application state 'existing boundary wall to be retained' (plan ref. 2724.P.312 Rev G). A Non-Material Amendment relating to the boundary wall (ref. 4/03062/17/NMA) showed that the wall is to be reconstructed with facing brick and coping stone with no change in height (approved plan ref. A16-093-DT25 Rev A). The negotiations are being dealt through separate legislation (Party Wall Agreement) and any further changes will likely require planning consent.

9.13 It is considered that the proposed development will not have a significant impact on the residential amenity of surrounding units in terms of overlooking, loss of light or overbearing. The proposal complies with Policy CS12 of the Core Strategy.

Affordable Housing Provision

9.14 The scheme proposes 12 new dwellings, 11 of which are to be affordable homes. The high level of affordable units are as a result of the displaced affordable housing requirement for the former police station and library site on the corner of High Street and Kings Road in Berkhamsted (8) together with the 3 units requirement for the site itself.

9.15 Due to the proposed internal reconfiguration, the amended scheme comprises an additional dwelling, which is to be sold on the open market. It is preferable for the site to be 100% affordable but the applicant has provided sufficient justification for the mix:

Originally approval was given for 11 units of social housing to be built on this site which comprises 9 new build flats and the conversion of three existing buildings into two houses. However the two houses would have had a 'flying freehold' in one section which could cause many problems with noise in addition to the properties being very large 4-bedroom properties. The demand within the borough is primarily for smaller units of accommodation and so after further consideration and the employment of a specialist architectural firm, new plans were drawn creating three 3-bedroom houses. The three buildings were added to at various points and although they appear to be terraced, they are actually three separate buildings. With the new plans create three separate houses with no flying freehold. The middle unit, 11 High Street, is locally listed – this is due to the Tudor-style beams on the front elevation which are deemed to be about 250 years old and will be conserved. This unit has small rooms and low ceilings and will need to be furnished in a bespoke (potentially expensive) way to make

the most of its shape and limited size. On the ground floor again the ceiling is low, there are more exposed beams and there is a large fireplace in the living room. The floor is low upstairs and as a result the window in the double bedroom is extremely low and for safety reasons it will require a bespoke window to be made which will need to have bars for safety as well as it having to operate as a means of escape. Whereas due to its location and its quirkiness, the property could be very desirable to a private buyer and could attract a high market price, It is considered that this high price could be better spent building more social housing. So from a social housing point of view, whilst this house has a lot of character it will not suit many people and therefore could be quite hard to let. In addition, due to the above, the maintenance costs are likely to be high are will require specialist companies which will be costly for DBC.

It is considered that the provision of 11 affordable units and one market is acceptable as there is no loss off affordable units from the approved scheme and the income from the sale of the market unit could be better utilised to provide additional affordable housing elsewhere.

Impact on Highway Safety and Parking Provision

9.16 Policy CS12 of the Core Strategy seeks to ensure developments have sufficient parking provision. In accordance with the NPPF, authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles.

9.17 A total of 15 car parking spaces are proposed, which provides one for each unit and three additional visitor spaces. It is considered that the application site is in an accessible town centre location, which is close to local amenities, within 15 minutes' walk of Berkhamsted train station and within 200m of bus stops on both sides of London Road. The parking requirement set out in Saved Appendix 5 is 16 car parking spaces. However, for the reasons outlined above it is not considered that the scheme would have a significant impact upon local parking provision. As such, it is considered that the parking provision is acceptable and in accordance with Core Strategy Policy CS12.

9.18 The County Council as Highway Authority have raised no objection to the proposal subject to conditions. The Highway Authority are satisfied that the car movements associated with the development would not result in an adverse impact on the existing road network and is unlikely to have an adverse impact on the safety or operation of the junction.

9.19 The existing uses contained within the site amount to greater numbers of heavy traffic movements than proposed and as such no objection is raised. It is considered that the access arrangements are acceptable subject to visibility splays being maintained which will be secured by condition.

9.20 Provision is made for cycle storage within the scheme which is supported and accords with Appendix 5 of the Local Plan.

Ecology

9.21 The County Ecologist has requested that, as the proposal will involve the demolition of former garage buildings, a Preliminary Roost Assessment (PRA) for bats

is carried out prior to determination of this application. It is however noted that the garage buildings have already been demolished in accordance with the previously approved scheme (ref. 04/01895/15/MFA). Bat surveys were not requested for the previous application and it is therefore considered that it would not be feasible to carry them out now. It is therefore not considered to be necessary or reasonable to impose a condition in this regard.

Archaeology

9.22 The site is located within an Area of Archaeological Significance and occupies a prominent position at the eastern edge of the medieval core of Berkhamsted. As such, the County Archaeologist recommended archaeological conditions for the previously approved scheme including a Written Scheme of Investigation, which has been discharged under application ref. 4/00948/17/DRC. Due to the current proposals affecting the internal layout of the three locally listed buildings, the County Archaeologist has requested that further archaeological conditions be imposed in order to record all interventions to the fabric of the buildings subject to renovation and conversion.

9.23 Therefore, it is considered both reasonable and necessary that a condition is imposed requiring the investigation and recording if required of any archaeological findings in accordance with policy CS27 of the adopted Core Strategy.

Impact on Trees and Landscaping

9.24 There are no significant trees on the site. Landscaping details have been approved under application ref. 4/00948/17/DRC. A condition will be imposed that the development shall accord with the approved landscape plan.

Refuse

9.25 The plans show provision for a communal bin storage facility adjacent to the cycle store and car parking provision. The bin store is located within 25m from the highway and as such it is considered to be acceptable in terms of capacity, siting and design.

CIL

9.26 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. 11 units will be exempt from CIL as they are affordable housing. One market housing unit will be CIL liable.

S106 and Planning Obligations

9.27 A signed legal agreement is required to secure the affordable housing.

10. Conclusions

10.1 The impacts of the proposal have been taken into consideration, along with representations received from consultees and the neighbouring property. The proposal is considered acceptable in terms of design, impact on street scene/Conservation Area

and neighbours. The amendments in relation to the previously approved scheme in order to provide one additional unit are considered to be acceptable. 11 of the 12 units are to be retained as affordable units by way of social rented housing.

11. RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

And subject to following conditions:

No	Condition
1	<p>The development hereby permitted shall be constructed in accordance with the materials approved under application references 4/01359/17/DRC, 4/03062/17/NMA and 4/03323/17/NMA or such other materials as may be agreed in writing by the local planning authority.</p> <p><u>Reason:</u> To safeguard the character and appearance of the Locally Listed Buildings, in the interests of the visual amenities of the Conservation Area and to ensure a satisfactory appearance to the development, in accordance with Core Strategy (2013) Policies CS12 and CS27.</p>
2	<p>Within 30 days of the commencement of development to number 9 High Street details of the insulation, render and finish and timber framing and finish shall be submitted to and approved in writing by the Local Planning Authority, and the work shall then be carried out in accordance with the details so approved.</p> <p><u>Reason:</u> To safeguard the character and appearance of the Locally Listed Building, in the interests of the visual amenities of the Conservation Area and to ensure a satisfactory appearance to the development, in accordance with Core Strategy (2013) Policies CS12 and CS27.</p>
3	<p>All hard and soft landscape works shall be carried out in accordance with the details approved under application references 4/01359/17/DRC, 4/03062/17/NMA and 4/03323/17/NMA or such other materials as may be agreed in writing by the local planning authority.</p> <p>The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Core Strategy (2013) Policies CS12 and CS27.</p>
4	<p>The approved scheme shall continue accord with the Construction Management Plan entitled <i>Construction Management & Logistics Plan, Project: 015065, Rev A Issued 22/06/17</i>, approved under application reference 4/00948/17/DRC.</p>

	<p><u>Reason:</u> In the interests of maintaining highway efficiency and safety and pedestrian safety in accordance with policy CS8 of the adopted Core Strategy and 'saved' policy 61 of the Local Plan.</p>
5	<p>Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.0m x 2.0m shall be provided to each side of the vehicle accesses where they meet the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.</p> <p><u>Reason:</u> In the interests of highway safety and in accordance with Core Strategy (2013) Policy CS8 and Policy 58 of the Local Plan (2004).</p>
6	<p>(a) Implementation of Approved Remediation Scheme</p> <p>The development hereby approved shall continue to accord with the remediation scheme approved under application reference 4/00948/17/DRC.</p> <p>Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.</p> <p>(b) Reporting of Unexpected Contamination</p> <p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 6(a) of planning permission reference 4/01895/15/MFA, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6(b) of permission reference 4/01895/15/MFA, which is subject to the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (a) above.</p> <p><u>Reason:</u> To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy (2013) Policy CS32.</p> <p>INFORMATIVE:</p>

	Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk
7	<p>No development shall take place to the existing buildings known as 9, 11 and 13 High Street until an updated Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The addendum to the Written Scheme of Investigation shall include the methodology of archaeological recording of all interventions to the fabric of 9, 11 and 13 High Street in areas where renovation and conversion works might reveal additional information relating to the development of the buildings, and for the purpose of recording any original historic features that may be exposed. This will include any structural interventions, soft stripping and the removal of floors. The scheme shall include an assessment of significance and research questions; and:</p> <ol style="list-style-type: none"> 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation. <p><u>Reason:</u> In order to ensure investigation and preservation of archaeological findings in accordance with Core Strategy (2013) Policy CS27.</p>
8	<p>a) Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 7.</p> <p>b) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p><u>Reason:</u> In order to ensure investigation and preservation of archaeological findings in accordance with Core Strategy (2013) Policy CS27.</p>
9	<p>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 to 9, 11 and 13 High Street, Berkhamsted</p> <p>Schedule 2, Part 1, Classes A and E.</p>

	<p><u>Reason:</u> 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 adopted Core Strategy.</p>
10	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>EL (P) 01 rev H EL (P) 02 rev B Pr 04 rev C Pr 05 rev B 2724.P.310 Rev C 2724.P.311 Rev G 2724.P.312 Rev G 2724.P.313 Rev E 2724.P.314 Rev F 2724.P.315 Rev M 2724.P.316 Rev F 2724.P.318 Rev D 2724.P.319 Rev D</p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning, in accordance with Core Strategy (2013) Policy CS12.</p> <p><u>Article 35</u> Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead 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) Order 2015 (as amended).</p> <p>INFORMATIVES</p> <p>Environment Agency</p> <p>1. Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourages infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.</p> <p>The CL:AIRE Definition of Waste: Development Industry Code of Practice</p>

(version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- o Excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- o Treated materials can be transferred between sites as part of a hub and cluster project
- o Some naturally occurring clean material can be transferred directly between sites.

You should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, you should contact us for advice at an early stage to avoid any delays. We recommend you should:

- o Position statement on the Definition of Waste: Development Industry Code of Practice
- o Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination.
- o Refer to our 'Guiding Principles for land contamination' for the type of information that we require in order to assess risks to controlled waters from the site.

Ecology

2. Works to the existing roof structures of 9, 11 and 13 High Street should proceed with caution and in the event of bats or evidence of them being found, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England - tel: 0300 060 3900.

Appendix A

Consultation responses

1. Berkhamsted Town Council

No objection. The Committee noted the concerns of the neighbour at no. 15 about the party wall and loss of privacy and hoped that these could be resolved.

2. Strategic Housing

The proposals we are making now do not change this provision (11 units), however it does allow us to market a property to help pay for social housing unit(s) elsewhere in the borough whilst reducing the risk of maintenance of this unique property on DBC. In summary approval was given for 11 units of social housing and this will still be provided on this site. If sold, the additional unit would remove any maintenance obligations and potential loss of rent and officer time due to it being difficult to let and

the money generated could provide additional unit(s).

3. Building Control

No comment

4. 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 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.

5. Hertfordshire Ecology

Thank you for consulting Hertfordshire Ecology on this application. Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site although there are scattered records of bats within the central area of Berkhamsted.

We do not consider that ecology is a constraint to the proposed development, however there is currently insufficient certainty for the LPA of likely impacts on protected species and additional information is needed for determination of this application.

There is no ecological survey and assessment, particularly for bats, submitted with this application and I am unable to find one for previous applications on this site, although any report is likely to be out of date now.

Bats are protected under European and national legislation and in general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. They will roost in buildings (often underneath loose tiles or weatherboarding, or in gaps/cracks) and trees if suitable features and conditions are available.

As the proposal will involve the demolition of former garage buildings and conversion of existing buildings, there is a reasonable likelihood of bats being present and affected by this proposal. For these reasons, **I consider that a Preliminary Roost Assessment (PRA) for bats of the buildings is necessary as it is currently unknown whether there is potential for bats to be present and affected by the demolition proposals.**

I therefore advise that a PRA is undertaken by a suitably qualified / an appropriately qualified and experienced ecologist to evaluate whether bats, or evidence of them, are present and will be affected by these proposals. The PRA will consider the need for further bat surveys and mitigation. Such surveys can be undertaken at any time of year but should follow established best practice as described in the Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016.

In the event that evidence, or potential for bats is found, further surveys (dusk emergence / dawn re-entry surveys) may be required which can only be carried out when bats are active in the summer months between May and August, or September if the weather remains warm. An Outline Mitigation Strategy with appropriate recommendations should therefore be included within the PRA bat report if the Local

Planning Authority is to fully consider the impact of the proposals on bats.

This outline strategy should assume the presence of a bat roost proportionate to the location and can be modified if necessary once the results of any recommended follow-up activity surveys are known. In this situation only (i.e. once an outline mitigation strategy has been submitted to the LPA and approved), I would advise any outstanding surveys are secured by Condition of Approval. I can suggest Condition wording if required.

As bats are European Protected Species (EPS), this outline mitigation information is required to be submitted to the LPA **prior to determination** - so the LPA can fully consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017.

It should be noted that if bats are found to be roosting within the outbuildings or trees and will be affected by the proposals, appropriate mitigation measures will need to be carried out under the legal constraints of a European Protected Species (EPS) mitigation licence. Natural England may require a number of activity surveys for a licence to be issued, consequently these need to be factored in to any development timescale.

To conclude, I cannot recommend this application is determined until the requested information and any appropriate mitigation is provided to the LPA for written approval.

6. Hertfordshire Archaeology

Thank you for consulting this office on the above application. I note that it succeeds previous development proposals, in particular, 4/01895/15/MFA, on which this office has commented.

As previously advised, the proposed development site occupies a prominent position at the eastern edge of the Medieval core of Berkhamsted, and is in Area of Archaeological Significance No 21, which denotes a number of important prehistoric, Roman and Medieval sites. The extant structures on the site (no's 9-11, and 13 High Street) are believed to date between the late 16th and early 20th century.

The current proposal results from a revision to the consented scheme for the conversion of the retained buildings on the site, to provide three dwellings in place of the previous two dwellings. The Supplementary Heritage Statement that accompanies the application states that the 'new proposals for the increase in dwelling numbers affect the internal layout of the three buildings including no 11 which is the oldest.'

These works will clearly impact upon the archaeological interest of these buildings.

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

- 1) The archaeological recording of all interventions to the fabric of the buildings subject to renovation and conversion in areas where such works might reveal additional information relating to the development of the building, and for the purpose of recording any original historic features (etc.) that may be exposed. This will include any structural

interventions, and, for example, soft stripping and the removal of floors.

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

3) Such other provisions as may be necessary to protect the archaeological, architectural and historic interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

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

Condition A

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

1. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation;
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

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

If planning consent is granted, then this office can provide details of requirements for the investigation and information on professionally accredited archaeological contractors who may be able to carry out the work. **www.hertfordshire.gov.uk**

7. Refuse Depot

The bin store should be big enough to house 4 x 1100ltr eurobins and 2 x 140ltr wheeled

bins with no steps between it and the collection vehicle which is a 26 ton rigid freighter. Any doors should be suitably robust.

8. Crime Prevention

Unfortunately I can see no reference to security or crime prevention detailed in any of the documentation, although I cannot find a copy of the Design and Access Statement on the planning portal.

I can support this application, however I would ask that security is taken into consideration and would encourage the applicant to build the development to the police approved minimum security standard secured by Design. This also meets the requirements of Approved Document Q (ADQ) Building Regulations.

Please contact me if you require any further information.

9. Highway Authority

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1 Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.0m x 2.0m shall be provided to each side of the vehicle accesses where they meet the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

2 Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

3 No works shall commence on site until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). The Construction Logistics Plan should outline the construction methodology, the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.

Reason: To manage the movement of vehicles during construction in the interests of highway safety.

Description of the Proposal

Demolition of former garage buildings and redevelopment to provide 12 new dwellings through a combination of conversion and new build. The site is located at the junction of Swing Gate Lane and High Street / London Road (A4251). The site is currently occupied by a vehicle workshop at the rear, open yard / car parking, along the High Street and

Swing Gate Lane frontage, and retail units fronting High Street.

The proposed residential units consist of:

- 6 x one-bedroom flats
- 3 x two-bedroom flats
- 1 x two-bedroom dwelling houses
- 2 x three- bedroom dwelling house

High Street / London Road (A4251) is a Principal Road – Main Distributor and is subject to a 20mph speed limit. Swing Gate Lane is a local access road and is subject to a 30mph speed limit. There are two short-stay parking spaces provided on the western side of Swing Gate Lane outside the proposed site. Swing Gate Lane Infant School and Nursery is located on the eastern side of Swing Gate Lane opposite the proposed site. There is a signalised pedestrian crossing located outside the High Street frontage of the site, approximately 25m to the west of the Swing Gate Lane junction.

Analysis

Impact on Highway Network

Swing Gate Lane / High Street / London Road Junction The Swing Gate Lane and High Street / London Road junction is a mini-roundabout. The junction operates adequately during peak traffic periods and there are no planned improvements within the UTP. The cumulative impact of the traffic generated the proposed development will be minimal and is unlikely to have an adverse impact on the safety or operation of the junction.

The existing land uses are likely to generate vehicle trips by commercial vehicles including light goods vehicles (LGVs). The proposed redevelopment of the site for residential purposes will significantly reduce the frequency of visits by commercial vehicles and LGVs and is likely to reduce the risk of conflict with vulnerable road users at the vehicle entrance on Swing Gate Lane, and at the Swing Gate Lane and High Street / London Road junction.

Road Safety

The accident data over the last 5 years for the local highway network adjacent to the site does not indicate any significant road safety issues. The proposed 20mph zone will reduce collisions and injuries on the local highway network.

Highway Layout

Vehicle Access

The existing vehicular access to the site is from Swing Gate Lane. The proposed development will utilise the same vehicle access on Swing Gate Lane.

As Swing Gate Lane is adopted, the applicant may need to enter into a Section 278 legal agreement to work on the highway in order to make changes to the existing means of access.

Visibility

The proposed building on the northern side of the access is set back, as is the parking space on the southern side of the access. A minimum visibility splay of 2.0m X 2.0m is achievable and should be indicated on the site plans. Any structure or planting within the splay should be less than 0.6m high to ensure that any pedestrians passing in front of the property are visible. This is particularly important given the proximity to Swing Gate School.

Servicing and Delivery

The proposed refuse storage is located within 25m of Swing Gate Lane. As such, a refuse collection vehicle is not required to enter the site, and collection can be undertaken at the kerb. Refuse collection is likely to take place outside of the peak traffic periods and school drop-off / pick-up times and there is unlikely to be any increased conflicts between the refuse collection vehicles and school-related traffic (including pedestrians). As a result, the servicing arrangements are considered to be appropriate.

The residential nature of Swing Gate Lane means that other deliveries are likely to occur, but at a reduced level compared to the existing use of the site. The proposed car parking area provides the opportunity for delivery vehicles to park within the site while making deliveries, or use the short stay parking spaces on the Swing Gate Lane. Therefore the provision for delivery vehicles is considered to be acceptable.

Parking

The existing site is currently used as a car repair / sales yard and there are regularly cars parked throughout the site. It is noted that the footway of High Street in front of the tool hire business is also used for vehicle parking.

The proposed development will provide 13 parking spaces (1 per proposed residential unit). The parking will be located to the rear of the site and will be accessed via Swing Gate Lane.

Parking Provision

The site is within Accessibility Zone 2 and the maximum parking requirements are 1 space per one-bedroom unit and 1.5 spaces per two-bedroom unit.

The appropriateness of the proposed provision of parking will be determined by the DBC and conditioned if necessary. However the proposed residential use of the site is likely to generate a significantly lower demand for on-site car parking than the existing uses of the site. The proposed ratio of one car parking space per residential unit is likely to limit any overflow parking onto the adjacent highway.

Parking Layout

The proposed layout of the car park spaces is considered to be appropriate and there is adequate manoeuvring space for vehicles to exit the site in forward gear.

Cycle Parking

A cycle storage area is provided on the western boundary of the site, to the north of the garage conversion, adjacent to the car parking. This location is readily accessible to all residential units within the development.

The minimum cycle parking requirement is 1 space per unit and the cycle storage should provide adequate storage space for cycles. Accessibility

Pedestrian Access

Pedestrian access to some of the flats will be directly from High Street, while the remaining flats will be accessible from Swing Gate Lane. The volume of vehicles entering and exiting the site is unlikely to cause any significant safety issues. Overall, the accessibility of the development for pedestrians is acceptable.

Cycle Access

Cycling along the High Street is difficult due to the traffic calming measures in place. As a result, Scheme 05 in the Tring, Northchurch and Berkhamsted UTP proposes to

improve the carriageway to make it more cycle friendly. The scheme also proposes to extend the 20mph limit to Kings Road adjacent to the development site. This will also assist safe access to the development for all road users and a contribution towards the Scheme is required.

Public Transport Access

The site is located close to Berkhamsted town centre with good access to facilities and public transport. Bus stops in both directions are located on London Road within 200m and the Berkhamsted train station is within 15 minutes walking time of the site. Overall, the site is considered to be accessible to sustainable modes of transport.

Travel Plan

Based on the proposed level of development (taking into account the proposed retirement units at the related site), a travel plan is not required.

Construction

The proposed development involves the demolition of some of the existing buildings of the site and the conversion of the buildings fronting High Street. The demolition and construction of the proposed development means there are potential safety concerns due to interactions between: • Construction vehicles and pedestrians on High Street due or vehicles parked on the footway or at the signalised pedestrian crossing; and • Construction vehicles and pedestrians / vehicles accessing the Swing Gate Lane School. A Construction Logistics Plan (CLP) is required to ensure that the safety and operation of the adjacent highway network is not affected during the construction and demolition phases. The CLP will be required as a condition.

Planning Obligations / Community Infrastructure Levy (CIL)

Dacorum Borough Council has a Community Infrastructure Levy (CIL) and therefore contributions towards local transport schemes will be sought via CIL if appropriate.

Conclusion

HCC as highway authority has reviewed the application and has no objection to the principle of development on the site, subject to conditions.

10. Conservation & Design

Initial comments:

In relation to retaining the floor level below that of the exterior ground level they did not think that this would be a problem provided that an access/ heritage statement were provided to support the current position. I also note on the as proposed drawings that the external ground level is to be reduced in that there is a step down to get into the front garden area in any event.. This may reduce pressure with regards to your concerns about damp and possibly could resolve the level access issue. Ideally this would then allow the retention of the current ground floor level to the front timber framed building and the retention of ceiling/ first floor first floor ceiling.

Further comments:

From review of the proposals (see site notes from previous email) In general we would be broadly supportive of the application and conversion into 3 dwellings. However the proposal in particular in relation to 9-13 high st should be reviewed as it doesn't reflect the discussions or the final external appearance. E.g. removal of paint to brickwork, external insulation to façade of no11 and slate roof rather than tiled to this building. Also we were disagreeing about the internal floor levels. I would therefore recommend that

we get revised elevation drawings to confirm the changes noted above.

Having had some thoughts on the layout we believe that generally it would be acceptable. However it would be beneficial to reconsider the layout of number 11 at first floor level. The bathroom could be located to the rear and therefore above the kitchen with services etc. It would also mean that the rear fenestration could be altered so that the bathroom could have an opening window which would help with ventilation and light. Overall this would limit the impact on the historic core of the building and possibly work better for future tenants.

Further comments:

Having had a quick look the proposals now resolve all our issues and are acceptable. Therefore we would support the proposals and recommend approval.

Appendix B

Neighbour notification/site notice responses

Objection

Address	Comments
15 High Street	<p>We are currently in discussion with surveyors regarding the proposed changes to the Party wall between 13 High Street and our home and garden at 15 High Street. Nothing has as yet been agreed and we are disputing the changes currently being proposed and indicated on these plans.</p> <p>From the start of the proposed development we have raised objection to any reduction in height to our garden wall beyond that of the adjoining rear wall at the end of the garden. The Party wall supports very well established climbing plants which are a fundamental part of our garden's character and it offers us privacy.</p> <p>At the house end of the garden, loss of buildings next door has created a situation where from the proposed car park and gardens of nos 13-11, there is now a clear sight line into our bedroom window. Further reduction in height will create more drastic lack of privacy. Noise and security are also a factor. We have therefore proposed that the wall at this end of the garden be raised.</p>