



**DEVELOPMENT MANAGEMENT COMMITTEE**  
**Thursday 25th July 2019 at 7.00 PM**

**ADDENDUM SHEET**

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**Item 5a**

**4/01866/18/FUL      DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF  
5 X 4 BEDROOM DWELLINGS AND ASSOCIATED LANDSCAPING AND ACCESS**

**57 SOUTH PARK GARDENS, BERKHAMSTED, HP4 1HZ**

Comments from Environmental Health (Received 19/07/2019)

In principle, I don't have an objection to your proposed condition. However, p.11 of the report states, the following.

Given that the railway is on an embankment as it passes the site, unless the barrier could be constructed on top of the embankment close to the rails, it would be necessary to make up the difference in height between the site boundary and the top of the embankment in addition to the 2 metre height above railway level. The embankment is estimated to be about 3 metres high indicating a total barrier height if constructed along the site boundary of at least 5 metres.

Given that it is extremely unlikely that barriers could be constructed on the top of the embankment on land outside of the site and the construction of a 5 metre structure is impractical, AIRO understands that a 2.5 to 3 metre high fence would be constructed that would provide some localized protection against railway noise.

It may be noted that noise levels in the garden of the existing property and the neighbouring gardens along the railway would be expected to be up to 67  $L_{Aeq}$  and not less than 64 dB  $L_{Aeq}$  close to the houses. None-the-less, these spaces appear to be used and enjoyed as gardens by the householders and there are properties and gardens along the railway that are closer.

Therefore, I am sceptical how they can engineer a barrier, given the heights required and proximity to live track.

Comments from Environmental Health (Received 23/07/2019)

I have looked at the letter from AIRO and the notes from Stuart.

If Stuart is sceptical I am sceptical too and the likely noise levels in the garden are very high. I note the consultant has used BS 8233 2014 as justifying noise levels in the garden but I would add a statement from the Planning Practice Guidance note on noise. This states that 'where external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended'. I don't believe that external noise levels approaching 64 – 67 dBA would necessarily allow those spaces to be enjoyed as intended. A value of 55dBA is regarded as the level at which people will be seriously annoyed.

The AIRO report notes that neighbouring gardens along the railway would be exposed to similar noise levels and appeared to be enjoyed as gardens and there are properties and gardens along the railway that are closer. However I don't believe the principle of planning is to continue to expose more people to unacceptable levels of noise.

The external design criteria for noise in BS8233 recognises that it is desirable that the external noise levels do not exceed 50dB with an upper guideline of 55dB in noisier environments. However the standard recognises that these values are not achievable in all circumstances where development might be desirable, such as adjoining the strategic transport network. However if you refer back to the PPG on noise it defines noise based on adverse effect levels.

It does not exclusively include gardens in the effect outcomes, but if the garden is seen as an intrinsic part of the design and noise levels in the garden are such that they will exceed the upper guideline limit value this would be compared with a significant adverse effect and therefore should be avoided. The report implies that a barrier of 5m would not be practical or achievable that impact can be lowered to the lowest observed impact. You may wish to consider rejecting the application based on design if gardens form an intrinsic part.

I have briefly read the report regarding sound insulation, but I don't have enough time to go through this in a detailed way. However if this application is rejected an appealed all noise points needs to be raised at the point of rejection so it carries over into any appeal. From my brief review this suggests it will be a sealed box as treatment is need on all elevations? The PPG on noise does consider if adverse internal effects can be made acceptable in the case of new residential development, and whether the proposed mitigation relies on windows being kept shut most of the time (which will be the case here). However this does also require consideration the effect this will have on living conditions, i.e. would residents reasonably expect to have to keep windows shut the whole time. This may not be something which you find acceptable in amenity terms.

Additional Representation Received

1. We write on behalf of Mr & Mrs Allen, the occupiers of the adjacent property at 59 South Park Gardens, to raise objection to the above planning application for the demolition of the existing buildings and construction of five 4-bedroom detached dwellings with associated landscaping and access. The many other local residents that have objected to the application also wish to be affiliated with this letter.

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

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

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

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

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

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

8. In design terms, the open plan layout of the proposal contrasts poorly with the traditional form and layout of existing surrounding dwellings, whereby there is clear visual separation between dwellings and clear physical demarcation between building

plots. The layout of the proposal also suffers from an excess of hard surfaced car parking, which results in a poor quality frontage dominated by car parking. Due to the tapering shape of the site, the proposed dwelling on Plot 1 is tightly positioned into the corner of the plot in a cramped and highly contrived manner, reinforcing the undesirable impression of town cramming.

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

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

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

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

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

14. We have further concerns in relation to highway safety. In particular, we are concerned that the proposal would intensify the use of the existing sub-standard highway within South Park Gardens, which is limited to as little as 3.1m in width (as measured on site, shown incorrectly as 3.5m on the plans) along immediately adjoining sections of the carriageway. The proposal would therefore increase the danger to vehicular, pedestrian and other road users, to the detriment of highway safety and contrary to the requirements of Core Strategy Policy CS12 and Local Plan Policies 51 and 54, insofar as these require the provision of a safe and satisfactory means of access to new development.

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

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

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

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

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

Yours faithfully, Humphreys & Co.

Recommendation:

As per the published report.

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## Item 5b

**4/02934/18/MFA DEMOLITION AND REMOVAL OF EXISTING BUILDINGS AND CONSTRUCTION OF 17 APARTMENTS WITHIN A MANSION BLOCK WITH NEW ACCESS, CAR PARKING, LANDSCAPING AND ENGINEERING**

**THE OLD ORCHARD, SHOOTERSWAY, BERKHAMSTED, HP4 3NG**

### Consultation Response

#### Hertfordshire Ecological Records Centre

Hertfordshire Environmental Records Centre (HERC) has no records specific to the building to be demolished.

A Preliminary Ecological Appraisal was carried out by Cherryfield Ecology on 21/09/2018 including a preliminary roost assessment(PRA). Potential for roosting bats was identified in the main building B1 and two oak trees. The building and one of the oak trees which is due for removal were assessed as having moderate potential for roosting features.

The PRA also includes an outline mitigation strategy, describing the supervised demolition of roosting features and the provision of replacement roosts in the form of 2 bat boxes and 2 bat tiles

#### Bats

Following Bat Conservation Trust best practice guidelines, at least 2 follow-up dusk emergence / dawn re-entry surveys are recommended to further inform any use of the building and tree by bats, and to provide appropriate mitigation to safeguard bats if present and affected. These surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm.

As bats are classified as European Protected Species (EPS) sufficient information is required to be submitted to the LPA **prior to determination** - so it can consider the impact of the proposal on bats and discharges its legal obligations under the 'Conservation of Habitats and Species Regulations' (2018).

Since we are now within the survey season the follow up surveys should be completed and the mitigation strategy adapted if necessary to fully inform a decision.

**Consequently, I cannot advise this application is determined until the recommended bat surveys are undertaken and the results, together with revised / appropriate mitigation, submitted to the LPA for written approval.**

If a roost is to be affected, an EPS licence will also be required from Natural England to enable the proposals to be implemented, and consequently this may need to be factored in to any development timescale. However, I have no reason to consider that a licence would not be granted if necessary.

## Nesting birds

Both the tree to be removed and buildings to be demolished represent potential nesting sites for breeding birds (an old nest was identified in one of the buildings during the survey). Nesting birds are protected under Schedule 1 of the Wildlife and Countryside Act 1981. Consequently, I recommend the following **informative** is included in any consent granted

*“Any vegetation clearance or demolition of buildings should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two 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.”*

## Reptiles

The compost heaps and vegetation on site represent potential reptile habitat. However, no evidence of reptiles was found during the survey. Consequently, I advise a precautionary approach and that the following **informative** is added to any consent given.

*Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles or amphibians to cross. Clearance of existing vegetation should be undertaken progressively using hand-held tools, where appropriate, towards boundaries to allow any animals present to escape to contiguous areas of retained habitat.*

*Where any hedgerows, long grass or scrub are to be cleared, this work should be carried out in two phases. The first cut should be to >100mm to decrease the suitability of the vegetation for reptiles and encourage any reptiles present to move to retained areas of habitat.*

*Where potential for reptiles to be present remains, following a minimum period of seven days, a second cut to ground level should be carried out in order to render the habitat unsuitable; cleared areas should be maintained to prevent re-colonisation prior to works commencing; and potential hibernacula or refugia such as loose stones or dead wood should be removed by hand.*

*Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on and if an amphibian (with exception of a Great crested newt) is found, then it should be moved carefully out of harm's way.*

*Any excavations have a ramp left to allow trapped animals to escape easily / provided with a means of escape for any animals that may have become trapped - this is particularly important if holes fill with water.*

## No net lost and provision of biodiversity gain

A detailed landscaping plan has been submitted with the proposal. This shows that although much of the boundary hedging and trees are retained some of the hedging will be removed as well as a number of the scattered trees on site. The proposal for 17 residential apartments, associated gardens hardstanding and access will result in a net

loss of habitat to the site, albeit one of generally low intrinsic value. The proposed planting of two birch trees, box and evergreen hedges and amenity planting as shown on the plan will not fully compensate for this loss. In addition to no net loss, the planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. There is an opportunity to include ecological enhancements within the development by the inclusion of specific nest boxes within the fabric of the new buildings. This should be realised by the inclusion of 2 nesting boxes for swifts within the building. If no bats are found in the follow up surveys the suggested mitigation measures of 2 bat tubes and 2 bat tiles should also be adopted as enhancements. I would also advise the inclusion of more fruit trees in the form of a small orchard within the landscaping

#### Further Comment

For an application submitted between April and August, we would expect any follow-up surveys to be undertaken prior to determination. However, for an application submitted outside of the bat activity survey period (i.e. from mid-September to mid-April), in order to facilitate the planning process, Hertfordshire ecology adopts a more flexible approach.

Providing an Outline Mitigation Strategy that assumes the presence of a bat roost proportionate to the location has been submitted and approved by the LPA, then any outstanding surveys can be secured by Condition and the Outline Mitigation Strategy modified if necessary once the results of any recommended follow-up activity surveys are known. The present report by Cherryfield does include mitigation appropriate to the location and potential, however as we are now within the survey season, our standard approach would be to advise the follow up surveys are completed, so that the LPA has all the information relating to bats prior to determination.

If the LPA are minded to condition the follow on surveys given the original date of submission, this would be decision for the LPA to make and would be outside of the normal advice given by Hertfordshire Ecology at this time of year, when the surveys are now possible.

#### Representations from the Applicants

The following document has been provided by the applicant:



# The Old Orchard



Development Management Committee - 25 July 2019 - Agenda Item 5b

## Recommended for approval

4/02934/18/MFA - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE LAND FOR 17 RESIDENTIAL APARTMENTS WITHIN A MANSION BLOCK WITH ASSOCIATED, VEHICULAR ACCESS, CAR PARKING, LANDSCAPING AND ENGINEERING WORKS. - THE OLD ORCHARD, SHOOTERSWAY, BERKHAMSTED, HP4 3NG

### The site and context

The site is on Shootersway existing and is approximately 0.18ha in area and sits at the southern edge of Berkhamsted at the junction of Kings Road, Kingshill Road and Shootersway. The site is neighboured by the British Film Institute's National Film archives to the east and the large residential unit, Hanburys, to the west with a substantial tree and landscaped buffer between these properties and around the perimeter of the application site. To the south of the site is a large area of open land associated with Hanburys.



The Council has designated this land for residential use.

### What is being proposed?

- The redevelopment of the site to provide 17 new dwellings.
- The development will deliver high quality residential apartments and will materially contribute to the five year housing land supply.
- The development will deliver a mixture of 1, 2 and 3 bedroom apartments with 25 parking spaces 17 of which will be located in a basement car park.
- An 18 space cycle store to encourage sustainable transport.
- A new access to the western side of the site and a pedestrian footpath to the east.
- The efficient and sustainable use of a site allocated by the Council in the Core Strategy (Site LA4).





- ✓ Officers understand that this application will deliver a substantial proportion of housing identified in the Core Strategy and the site forms an important element of the Council's housing 5 year land supply.
- ✓ The scheme has been allocated for development in the Core Strategy (LA4)
- ✓ The scheme is considered by officers to be a high quality residential scheme and is accordance with the Council's policies.
- ✓ The visual impact of the application on the street scene is not considered to be detrimental or visually intrusive to the local area.
- ✓ Both the County Council and your Officers do not feel that that there are any highways issues with this proposal. The plans incorporate sufficient arrangements for the safe access and egress of vehicles including refuse and emergency vehicles.
- ✓ There is sufficient parking onsite which includes parking for disabled residents and visitors.
- ✓ The provision of an 18 space cycle store exceeds requirements and will encourage sustainable transport

**We would respectfully ask that you support this high quality application on this allocated site which will help the Council attain its 5 year land supply.**

A bat survey will be undertaken over-night between the 24<sup>th</sup> July 2019 and 25<sup>th</sup> July 2019. The findings will be reported to DMC.

Recommendation:

As per the published report.

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**Item 5c**

**4/01116/19/ROC VARIATION OF CONDITION 12 (FLOOD RISK ASSESSMENT), 19 (CONSTRUCTION PHASE MITIGATION MEASURES) 20 (NOISE MITIGATION MEASURES) AND 26 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00064/17/MFA (COMPREHENSIVE REDEVELOPMENT OF THE SITE TO PROVIDE 54,714 SQM OF FLEXIBLE COMMERCIAL SPACE WITHIN USE CLASSES B1C/B2/B8 TOGETHER WITH CAR PARKING AND LANDSCAPING)**

**MAYLANDS GATEWAY, MAYLANDS AVENUE, HEMEL HEMPSTEAD**

NO UPDATES

Recommendation:

As per the published report.

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**Item 5d**

**4/00070/19/FUL TWO STOREY/FIRST FLOOR SIDE AND REAR EXTENSIONS AND CONVERSION OF DWELLING TO 2 X 3 BEDROOM DWELLINGS.**

**34 GREEN DELL WAY, HEMEL HEMPSTEAD. HP3 8PX**

NO UPDATES

Recommendation:

As per the published report.

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**Item 5e**

**4/00755/19/FHA      ENCLOSED OUTDOOR SEATING AREA**

**28 SILVERTHORN DRIVE, HEMEL HEMPSTEAD. HP3 8BU**

The following comments were received (via the website) and considered during the determination of the application but are provided here for completeness;

**1) Mr Longdean Park, 46 Silverthorn Drive, Hemel Hempstead on 19<sup>th</sup> July 2019:**

On behalf of Longdean Park Residents Association:

Whilst we welcome the bricking up of the glazed area on the boundary wall with No 26 we wish to register our objection and comment to some of the other works proposed at                      No                      28                      Silverthorn                      Drive.

1. The property was subject to an appeal decision earlier in the rear which made specific reference within point 17 of the decision, to the flues resulting "in significant and unacceptable level of noise, disturbance, smoke, fumes....." it then goes on to say that "For these reasons the proposed BBQ structure and flues, as proposed, are unacceptable". From the submitted drawings the same number of flues are provided. The application has been supported by a consultants report. This report states that the smoke from the flues could provide a substantial adverse effect in certain conditions and then recommends remedial work required to the flues to reduce impact. It is suggested that this work be made a condition should planning permission be obtained. The LPRA are concerned that this work, even if undertaken, could easily be forgotten over time with maintenance becoming less regular and the matter becoming more and more difficult to enforce. If the flues produce such an effect surely they must be considered unacceptable. After all this is a residential area, not a commercial concern and one must ask the question of suitability of such an installation if extensive air control                      measures                      are                      required.

2. As previously mentioned the LPRA welcome the bricking up of the flank wall but there is little detail on the submitted drawings about how this is to be undertaken. The note just refers to "brickwork along the entire barbecue length of the boundary" but there is no specification as to thickness or appearance.

3. The plans are ambiguous regarding the CCTV points. The Inspectors Decision clearly states that no cameras should be placed on southern elevation or on the north elevation,                      the                      latter                      still                      seem                      to                      be                      shown.

We would be grateful if these concerns could be taken into account during the decision making                      process.

On behalf of LPRA

**2) Ms Marta Thomas, 26 Silverthorn Drive, Hemel Hempstead. Received on 17<sup>th</sup> July 2019:**

This current submission is the 3rd since April 2019 and the 3rd overall application since 2017 with regards to this structure. All of these applications are retrospective since its construction was completed in 2017 without planning permission. Whilst I welcome amendments made in the latest submission, pertaining to the removal of the 3 flues and ovens, I wish to re-emphasise my prior objections regarding the structure itself. This structure, referred to by many different titles by the applicant since 2017, has already been refused at Development Management Committee (DMC, July 2018), dismissed by the Planning Inspectorate (PI) in January 2019 and has been subject to an Enforcement Notice effective April 23rd 2019. The applicant neither appealed the PI's dismissal nor the Enforcement Notice. Prior to going to DMC in July 2018, the case officer confirmed in writing "a notation on the BBQ area floor plan stating the wall would be fully enclosed". This revision was deemed minor, yet formal consultations on the new information were issued forming part of the rejected application.

This objection should be read in conjunction with my prior objection dated 30th May 2019 and not treated in isolation. I therefore object to the new plans for the same structure on the following grounds:

1. Plans submitted are inaccurate and inconsistent

Drawings PL/009-02 Revision C and PL/008-02 Revision B both do not show full bricking-up of the Rear (eastern) Elevation and Side (southern) Elevation as stated in the applicant's Assessment of Design and Access (ADAS) report. The Floor Plan on PL/009-02 Revision C (21/06) also shows no double-brick wall with acoustic interlayer, which would reduce the floor space and require removal of the kitchen unit. Page 13 of the applicant's ADAS report states the "internal arrangement of cabinets and worktops around the internal perimeter" would remain "in situ". The plans are further contradicted by the ADAS report, which alleges both southern and eastern elevations would be double layered with acoustic interlayering (point 3.3.3) and see "full enclosure" (point 3.3.2). There remains a conflict of plans submitted given the Amended plan and Drawings dated 21st June PL/009-02 B "Proposed Elevations" show wooden pillars and no clear bricking-up of the eastern elevation, whereas the "Proposed Elevations" dated 3rd July PL/009-C show only a partially bricked up wall with no pillars.

The applicant's plans refer to an existing hedge for privacy, however the structure has been built on the boundary line with no effort to reduce the impact via landscaping within the applicant's land (as shown in RSK Noise Assessment Appendix 5, 7 and 8 as well as Planning, Design and Access Statement (PDAS) point 2.1.2 aerial image). The hedge in their submitted plans is wholly within my property of 26 Silverthorn Drive and is a deciduous beech hedge only providing seasonal coverage; therefore the structure fails the test at Paragraph 127 (b) of the National Planning Policy Framework (NPPF), ensuring developments are "visually attractive as a result of good architecture, layout and appropriate and effective landscaping" as cited in my prior objection. There is no space between the structure and the boundary for any privacy and landscaping measures to be implemented by the applicant. The 1800 high close boarded fence written on the plans only covers the bottom few metres of the boundary and the applicant has no hedge within their

boundary despite drawing one on Site Plan PL001 and PL/010 Revision A, this is illustrated in RSK Noise Assessment Appendix 5. Our privacy continues to be further compromised by the existence of CCTV cameras omitted from the latest plans (PL/008-01 Revision B and PL/008-2 Revision B), despite the PI already articulating their infringements in their appeal decision.

The latest plans, like previous submissions, fail to indicate the type or quality of materials to be used leaving any new construction open to interpretation. The sizable structure still fails to comply with Local Policy Considerations, laid down in Policy CS12 of the Dacorum Borough Council Core Strategy 2013, which governs visual intrusion, the planting of trees, scale, height and materials used (among others). Again, I draw attention to the accompanying photographs to demonstrate poor quality construction and refer to more detail in my prior objections. The latest submission continues to omit that the applicant has already raised (without planning permission) the floor level and both the southern and eastern walls; currently the structure presents a plain concrete-block wall of no visual quality and of poor ad hoc construction to our garden. The raised wall, visible in RSK Noise Assessment Appendix 2 and 5 has already more than doubled in height (without permission) and the latest proposal would see the southern wall at its eastern point reach up to 4 metres in height on our boundary.

## 2. Noise Disturbance resulting from use

The latest RSK noise report submitted by the applicant is based upon data provided by the client, which grossly underplays the extent and regularity with which the structure is used. This is supported by my diary sheets submitted to Environmental Health, demonstrating year-round usage of the structure since 2017, at times exceeding full capacity and for periods often longer than 4-hours.

Despite modelling for a fully-enclosed structure (which the plans do not reflect) and conservative levels of use, the report demonstrates 26 Silverthorn Drive will still be subject to the highest noise levels on its scale. The design and size of the structure amplify any noise produced and will continue to do so given a lack of sound-proofing to the roof.

## 3. Structure contravenes Dacorum Local Plan

As stated in previous objections, the 11-metre structure in situ, regardless of proposed amendments, continues to be contrary Appendix 7 section (iv) and (v) of the Dacorum Local Plan, given it was previously a low-level lavender garden. The property was already sizably extended (4/00532/14/FHA) in 2014 to include a rear conservatory, extended rear terrace and raised roof, yet this external seating structure is almost the same length as the entire width of the expanded house. Ground floor Plan BR001 clearly demonstrates this, additionally highlighting the extent of existing entertaining space within the property including a 9-metre (according to the applicant's scale) glassbox conservatory with sliding doors, offering views over Bunkers Park. I believe there is no requirement for a bricked-up 20-person external seating area on the boundary especially in light of the detrimental impacts caused to myself and my property from its existence. I would also argue that approval of the structure would lend itself to future development either from the

applicant themselves or future residents of 28 Silverthorn Drive. Most importantly, the ADAS report states on page 5 advice has already been discussed regarding "removing the BBQ equipment and erecting separately to avoid any implications in terms of conflict with planning policy"; thus approval of the structure is facilitating all the same issues as presented in the previous application (that was denied and dismissed), albeit this time by-passing planning.

In conclusion, the completed building work, with its excessive size, location and design, does not accord with a number of local policy statements and is in clear breach of the Council's ideology for developments of this kind. Despite the number of submissions already presented, the applicant continues to provide inaccurate plans, as well as illustrating chimneys and hedges that don't exist and omitting CCTV cameras already in situ. To focus on the removal of the flues would be to ignore and underplay the significance of the already-refused structure, as well the applicant's clear intention to return "the BBQ equipment" to the structure should planning be approved. The applicant has demonstrated a history of submitting plans for approval and constructing something different; I fear if approved the structure's amendments will not accurately reflect what has been suggested nor how it will be used both now and in the future. In challenging the current proposal, I do not feel I would be denying the residents the ability to entertain, nor having external seating from which they can enjoy their garden or the outstanding views of the local area for which we are privileged. Effective enforcement is important as a means of maintaining public confidence in the planning system and I request the active Enforcement Notice is upheld for fear of setting a dangerous precedent

Recommendation:

As per the published report.

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**Item 5f**

**4/01327/19/FUL CONSTRUCTION OF 3 X 2 BEDROOM DWELLINGS, WIDENING OF ACCESS ROAD, PARKING AND LANDSCAPING**

**35-36 WEST DENE, GADDESSEN ROW, HEMEL HEMPSTEAD HP2 6HU**

**The following minutes were sent to the Case Officer by email on 23 July 2019:**

Minutes of the Great Gaddesden Parish Council Meeting  
Held at Great Gaddesden Parish Hall  
On Monday 15<sup>th</sup> July 2019 starting at 8.00 pm

5.6.19 Ref: 4/01327/19/FUL Objections submitted 25.6.19  
Land Adjacent 35-36 West Dene, Gaddesden Row, HP2 6HU  
Construction Of 3 X Two Bedroom Dwellings Including Widening Of The Access Road And Associated Parking, Amenity Space And Refuse Storage



The Chair invited Mr David Barrett, Group Manager, Housing Development Dept., Dacorum Borough Council, to speak.

Mr Barrett confirmed that the Department had originally made contact with the former Parish Council Chair, Mr Paul Harris, and they had met on site and exchanged emails and drawings for his comments. Whilst there is no statutory requirement to consult the Parish Council, Mr Barrett apologised for not proceeding through the correct channels in this instance. He noted that internal processes have been changed going forward with regard to parish councils.

The Chair thanked Mr Barrett for his apology and confirmed that discussions with the Parish Council should have taken place within a Parish Council meeting and that they had no knowledge of the discussions with Mr Harris. The Chair confirmed that the Parish Council has objected to the planning application.

Mr Barrett noted that he is in the Housing Development Department and not part of the Planning Department. He also noted that he would be happy to answer questions but requested that any complaints are referred to the Planning Department.

Mr Barrett confirmed that the current scope of the Housing Development Department is to deliver 300 properties, all over the Borough.

A MOP noted that any planning has to comply with a policy around parking and asked what will happen to current parking. Mr Barrett acknowledged that parking is a contentious issue and that the planning exceeds the parking policy and is aware that as a result of the development, parking will be displaced. Mr Barrett noted that the land is not a designated car park and that Dacorum Borough Council regard it as wasteland. The MoP believes it to be a parking area because there are garages.

A MoP questioned the lack of access for emergency vehicles. Mr Barrett replied that the vehicle tracking report for the road size had been in line with requirements. Mr Barrett gave a copy of the independently commissioned parking report to a MoP.

The Chair recommended that MoPs object through the planning portal.

A MoP noted that there are potentially 16 cars in flats and asked where they will be able to park as they cannot park further away. The residents explained that they enjoy the village location and children playing in the street. The residents need cars as there are only 2 buses per day in Gaddesden Row. Mr Barrett reported that there is still time to make comments to the Planning Officer.

A MoP reported that drainage is often blocked because it is old. The drainage has been investigated previously.

A MoP noted that there is a house on the plan shown next to his house which will block his sunlight. Mr Barrett noted that measurements around angle and distance had been taken and designed to work to prevent this.



A MoP asked if Mr Barrett would attend the Planning Committee's meeting and he confirmed he would.

A MoP asked the Parish Council to verify with DBC that since 1974 there have never been garages. This information is incorrect. The photos of the site used by DBC in its application are at least 7 years old and asked if the survey can be redone. Mr Barrett advised that the photos show the site and are not taken to show parking. The Chair confirmed they will raise the accuracy of these details with DBC.

Mr Barrett confirmed that there will be a local lettings policy in place for local connections.

Mr Barrett was asked if the council would consider reducing the number of units from 3 to 1 or 2. Mr Barrett replied that it would not be viable as the housing revenue account has to buy the land owned by the general fund account.

A MoP asked if Dacorum Borough Council would sell the land with planning permission. Mr Barrett replied that this was not the case.

The MoP asked if Mr Barrett communicates with the Planning Department. Mr Barrett confirmed that he is the agent for the developer and that it is the architect who communicates with the Planning Department. He confirmed that all applications go to the Planning Committee where the final decision is made. The Chair confirmed there is transparency between the Housing and Planning Departments.

A MoP asked if there would be a public consultation as there had been previously at Johnson Court. The Parish Council confirmed that it has objected and that the points raised in this meeting will go to the Planning Department.

The Parish Council was asked how much influence it has. The Parish Council confirmed that if it objects to an application then the Planning Department has to take it to the Planning Committee. Mr Barrett confirmed that all schemes go to the Committee. The Parish Council confirmed that both the applicant and the Planning Officer make their own case at the Committee meeting. Any Councillors who take the floor at the meeting will be Dacorum Borough Councillors and not Parish Councillors. MoPs can attend the meeting and can pre-register and find the date of the meeting on the Dacorum Borough Council website.

The Parish Council advised that the volume of valid objections made is important as Councillors have to take on board the valid points.

A MoP noted that he believes most Planning Committee meeting decisions have been based on policy and not on objection from MoPs. The Parish Council noted that the Planning Committee does not always give permission and that these meetings are transparent through their being minuted. The Parish Council also confirmed that there are now extra safeguards in place when the Council applies to itself for planning applications.

The Chair thanked Mr Barrett for attending the meeting.

It was evident at the meeting that the residents strongly object to the planning application and believe that their comments are not being taken into account. There were 10 residents present and the Chair confirmed that their comments will be minuted and sent directly to the Planning Officer.

Recommendation:

As per the published report.

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**Item 5g**

**4/00954/19/RET      RESTORE AND DOUBLE GLAZE ORIGINAL SASH WINDOWS**

**18 KITSBURY ROAD, BERKHAMSTED. HP4 3EG**

NO UPDATES

Recommendation:

As per the published report.