

4/00528/19/FUL	CONSTRUCTION OF TWO 3-BED SEMI DETACHED DWELLINGS
Site Address	LAND ADJ. TO 26, STATION ROAD, BERKHAMSTED, HP4 2EY
Applicant	Rivergate Homes Ltd and Paul and Elizabeth Rooksby, Flint House
Case Officer	James Gardner
Referral to Committee	Contrary views of Berkhamsted Town Council

1. Recommendation

1.1 That planning permission be **GRANTED**.

2. Summary

2.1 The proposal would make use of a site within an existing urban area. The design of the dwellings is sympathetic to the local context and the layout would ensure provision of a level of amenity space commensurate with the size of the dwellings.

2.2 Subject to the provision of suitable mitigation, the dwellings would not be adversely affected by their proximity to the railway. The internal layout, which makes use of dual and triple aspect rooms would ensure a good quality internal environment for future occupiers.

2.3 Access arrangements are acceptable and sufficient parking would be provided within the confines of the site. The development is therefore considered to be in accordance with the Council's parking standards.

3. Site Description

3.1 The application site comprises an undeveloped parcel of land located to the north of Station Road, Berkhamsted and lies within the Berkhamsted Conservation Area. Levels slope up in a north-easterly direction, with the West Coast Mainline Railway located to the north of the site.

4. Proposal

4.1 Planning permission is sought for the construction of two 3-bedroom semi-detached dwellings, associated parking and landscaping.

5. Relevant Planning History

5.1 The application site has been subject to numerous planning applications over the years, all of which have thus far been refused and subsequently dismissed on appeal. It is, therefore, worth taking the time to examine these previous decisions and the relevant similarities / differences as compared with the application now which is now subject to consideration by Members.

Application Number:	4/03769/15/FUL

	8 dwelling units – four 3 bedroom houses and four 1 bedroom flats with associated parking and landscaping
Reason for Refusal:	<ol style="list-style-type: none"> 1. The proposed development, by reason of the siting of the proposed residential properties, land level changes and very close proximity to existing mature trees, would result in a cramped and unsatisfactory form of development that would be detrimental to the character and appearance of the conservation area. The proposal would therefore be contrary to the aims of the NPPF and would be contrary to Policies CS10, CS12 and Policy CS27 of the Adopted Core Strategy. 2. The proposal fails to demonstrate that trees and landscape features can be satisfactorily retained due to the extremely close proximity of the proposed residential dwellings, particularly the flats, which is highly likely to lead to pressure to lop, top or fell the trees. The loss of the trees would be detrimental to the character and appearance of the area. The proposal would therefore be contrary to the aims of the NPPF and would be contrary to Policies CS10, CS12 and Policy CS27 of the Adopted Core Strategy. 3. The proposal fails to demonstrate that satisfactory amenities can be provided for the occupiers of the new dwellings. The amenity space provided is very small and in close proximity to mature trees. The proposed dwellings would adjoin a timber yard and be very close to a national rail line, but no noise assessment has been undertaken to ensure that occupiers would not suffer from noise and disturbance and therefore it is not clear that further measures are not needed to protect the amenities of future occupiers. The proposal would therefore be contrary to the aims of the NPPF and would be contrary to Policy CS12 of the Adopted Core Strategy and Appendix 3 of the Saved DBLP 1991-2011.
Planning Appeal:	APP/A1910/W/15/3141028
Main Issues Identified by Inspector:	<ol style="list-style-type: none"> 1. The effects of the proposal on the character and appearance of the Berkhamsted Conservation Area with particular regard to the layout of the development and its effects on existing trees. 2. Whether the proposal would offer satisfactory

	<p>living conditions for future occupiers with regard to the provision of external space and noise and disturbance.</p>
<p>Inspector's Conclusions:</p>	<p>1. <i>The layout of the development would, therefore, appear cramped and at odds with the characteristic pattern of development to the south. Whilst it would follow the alignment of the pair of semi-detached houses to the west, the open area adjoining that building, including the appeal site, lend it a spacious setting which would be largely lost as a result of the appeal proposal. Moreover, given their size and extend, the new buildings and retaining structures would close down the space in front of the existing trees and thereby diminish their contribution to the character and appearance of the Conservation Area.</i></p> <p><i>As such, the proposal would cause less than substantial harm to the character and appearance of the Area and, in this regard, contrary to Policies CS12 and CS27 of the Council's Core Strategy 2013 (CS). Policy CS12 requires development to integrate with the streetscape character and respect adjoining properties in terms of layout and site coverage, among other things. Policy CS27 requires development to positively conserve and enhance the appearance and character of Conservation Areas. Nor would the proposal accord with paragraph 131 of the National Planning Policy Framework (the Framework) to the extent that it has similar aims.</i></p> <p>2. <i>I consider that the proposal would not provide satisfactory living conditions for future occupiers with regard to the provision of external spaces. As such, it would not accord with LP Appendix 3 or paragraph 17 of the Framework to the extent that it requires development to seek a good standard of amenity for future occupiers.</i></p> <p><i>There is no substantive evidence to suggest that the Noise and Vibration Assessment does not provide a reasonable analysis of the noise and vibration effects of the builder's merchant's yard and railway line on living conditions of future occupiers. Nor do the observations from my site visit lead me to a different conclusion.</i></p>

	<p><i>Whilst the noise in the external spaces would be just above the recommended level, I consider that, of itself, this would not justify withholding planning permission. Had I been minded to allow the appeal, the mitigation measures suggested in the Assessment could have been secured by condition. Therefore, I find that future occupiers would experience satisfactory living conditions with regard to noise and disturbance. In this regard it would accord with Framework paragraph 123 which requires planning decisions to avoid noise giving rise to significant impacts on health and quality of life.</i></p>
Outcome:	Appeal <u>DISMISSED</u>
Application Number:	4/00645/16/FUL
	Construction of 4 dwellings and associated parking and landscaping.
Reason for Refusal:	<p>The proposed site is in an area where parking is at a premium and opportunities for further on-street parking are extremely limited. The frontage of the site onto Station Road comprises an area of informal on-street parking within the adopted highway. The proposed development, by reason of the provision of vehicular accesses to serve the development would result in a significant loss of existing available on-street parking and its displacement into surrounding streets, causing further congestion and difficulties for residents of the area. The proposal would be harmful to the established amenities of residents and is therefore contrary to Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 51(d) of the Dacorum Borough Local Plan 1991-2011.</p> <p>Due to the limited depth of the site and significant change in levels the Council is not satisfied that the proposed development can be satisfactorily accommodated on the site to ensure high quality design and living conditions for future occupiers as required by the NPPF. The proposed development will appear cramped and due to the substandard garden depths and requirement for substantial retaining structures will provide a poor level of amenity and living conditions for future occupiers. The proposal would therefore constitute an overdevelopment of the site and is therefore contrary</p>

	to the NPPF, Policy CS12 of the Dacorum Core Strategy September 2013 and advice and guidance in Saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011.
Planning Appeal :	APP/A1910/W/16/3151498
Main Issues Identified by Inspector:	<ol style="list-style-type: none"> 1. Whether the proposed development would provide suitable living conditions for the future occupiers; and 2. The effect of the proposed development on highway safety in the surrounding area.
Inspector's Conclusions:	<ol style="list-style-type: none"> 1. <i>I therefore find that the proposal would not provide satisfactory living conditions for the future occupants of the dwellings. It would not comply with the relevant requirements of Core Strategy Policy CS12, the guidance in Saved Appendix 3 of the Local Plan and the requirements of the Framework to deliver high quality homes and provide a good standard of amenity for the future occupiers of buildings.</i> 2. <i>I therefore find that the proposed development would not cause harm to highway safety in the area and would comply with the relevant requirements of Saved Policy 51 of the Local Plan and Core Strategy Policy CS12 which seek to ensure that new development has a safe and satisfactory access and has no significant impact on the capacity of the road network or on street parking.</i>
Outcome:	Appeal <u>DISMISSED</u>
Application Number:	4/02316/17/FUL
	Construction of a pair of semi-detached dwellings.
Reason for Refusal:	Due to the limited depth of the site; the significant change in levels, and the proximity of the site to the railway line, the Council is not satisfied that the proposed development can be satisfactorily accommodated on the site whilst ensuring a satisfactory level of amenity and living conditions for future occupiers as required by the NPPF. The proposal would therefore constitute an overdevelopment of the site contrary to the NPPF; Policy CS12 of the Dacorum Core Strategy September 2013 and advice and guidance in Saved

	Appendix 3 of the Dacorum Borough Local Plan 1991-2011.
Planning Appeal:	APP/A1910/W/18/3195787
Main Issue Identified by Inspector:	Whether future occupiers would be likely to experience acceptable living conditions in terms of amenity space provision.
Inspector's Conclusion:	<p><i>In view of the above, I conclude that future occupiers would experience unacceptable living conditions in terms of the functionality and restricted size of the amenity area. The proposal would therefore conflict with Appendix 3 of the Local Plan, which seeks, amongst other things, to ensure that all new gardens are of a width, shape and size to ensure the space is functional.</i></p> <p><i>I also find that the scheme would conflict with Paragraph 127 of the Framework which seeks, amongst other things, to ensure that development provides a high standard of amenity for future users.</i></p>
Outcome:	Appeal <u>DISMISSED</u>

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF) (2019)
National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy (2013)

NP1, CS1, CS2, CS3, CS4, CS8, CS9, CS11, CS12, CS17, CS18, CS19, CS27, CS28, CS29, CS31, CS32

6.3 Saved Policies of the Dacorum Borough Local Plan (2004)

Policies 10, 12, 13, 18, 21, 51, 58, 99, 120,

6.4 Supplementary Planning Guidance / Documents

- Accessibility Zones for the Application of Car Parking Standards (July 2002)
- Affordable Housing (Jan 2013)

7. Constraints

CIL1
Railway (100m Buffer)

Area of Archaeological Importance
Conservation Area
Former Land Use

8. Representations

Consultee responses

8.1 These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix 2

9. Policy and Principle

9.1 The application site is located within the town of Berkhamsted wherein, in accordance with Policy CS4 of the Dacorum Core Strategy (2013), appropriate residential development is encouraged.

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

9.3 The NPPF encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed.

The Quality of the Design and Impact on the Character and Appearance of the Area

9.4 Paragraph 127 of the NPPF states that planning policies and decisions should, amongst other things:

- Ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.5 Policy CS11 of the Core Strategy seeks to ensure that development:

- Respects the typical density intended in an area and enhances spaces between buildings and general character,
- Preserves attractive streetscapes and enhances any positive linkages between character areas.

9.6 Policy CS12 states that on each site development should integrate with the streetscape character and respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials, landscaping and amenity space.

Design and Layout

9.7 The application site is located within the Berkhamsted Conservation Area wherein, in accordance with saved Policy 120 of the Dacorum Local Plan, new development is acceptable provided it is carried out in a manner which preserves or enhances the established character and appearance of the area. Amongst other things, development in Conservation Areas is expected to use materials and adopt design details which are traditional to the area and complement its character, while also being of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding area.

9.8 The dwellings would be of traditional appearance and take their visual cues from other dwellings in the immediate vicinity. The Council's Conservation and Design Officer has confirmed that they "*reflect the 19th century architecture of the period and would not cause harm to the setting of the surrounding conservation area.*" The dwellings are of an appropriate scale and incorporate attractive architectural detailing typical of the Victorian period – i.e. decorative brick arches, brick banding, four-pane sash windows and bay windows with hipped roofs. Should Members be minded to grant planning permission, it is recommended that a condition be included requiring samples of materials (bricks, roof tiles and rainwater goods) as well as further information in terms of joinery details, eaves details and chimney details prior to any above ground development.

9.9 In terms of layout, the building line of the new dwellings follows that of nos. 26 and 27 Station Road to the north-west of the site, which is considered appropriate. Of particular relevance to this application, however, is the substantial increase to the sizes of the respective amenity areas. The most recent appeal decision (APP/A1910/W/18/3195787) was dismissed on the basis that the amenity spaces would be restricted in size and functionality:

"...I conclude that future occupiers would experience unacceptable living conditions in terms of the functionality and restricted size of the amenity area. The proposal would therefore conflict with Appendix 3 of the Local Plan, which seeks, amongst other things, to ensure that all new gardens are of a width, shape and size to ensure the space is functional.

I also find that the scheme would conflict with Paragraph 127 of the Framework which seeks, amongst other things, to ensure that development provides a high standard of amenity for future users.

9.10 Each dwelling would now benefit from approximately 155 square metres of amenity space and plot widths of 23 metres. This compares favourably with the approximately 85 square metres of amenity space and plot widths of 16 metres proposed as part of the previous application. In addition, the use of tandem parking spaces, coupled with the increase in plot width, makes effective use of the space, resulting in an area that would be both functional and appropriate for use by a variety of end-users. The primary area of amenity space would be to the side of the buildings and therefore set away from the mature trees and retaining structures proximate to the northern boundary.

9.11 Full details of boundary treatments will be reserved by condition in order to ensure

a satisfactory visual appearance and appropriate levels of privacy for future occupiers. It is considered that this can be effectively dealt with by way of a pre-occupation planning condition.

9.12 Where trees are too close to buildings it is clear that there is the potential for excessive shading which could adversely affect living conditions and quality of life. The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight A Guide to Good Practice" (BR209) provides "... advice on site layout planning to achieve good sunlighting and daylighting, within buildings and in the open spaces between them." However, this document is generally considered to deal with built form, and whilst the numerical guidance could theoretically be used to assess the impact of trees on proposed development, the BRE emphasis on flexible interpretation is particularly relevant given the variability found in living organisms, as opposed to the comparative immutability of buildings. For example, crown densities, species, stage of life-cycle etc are all factors which can influence the amount of light available. As such, it is not considered that it is necessary to request a daylight / sunlight survey; rather, an on-the-ground assessment is considered to be more appropriate.

9.13 The windows on the rear elevations serve the primary living accommodation, which comprises dining / kitchen and living rooms at ground floor and two bedrooms at first floor level. The main consideration is the conditions within the primary living areas; that is to say, the areas in which it can reasonably be assumed the greatest amount of time will be spent by the occupants when they are at home. Thus, the impact on the bedrooms, whilst a consideration, is less of a concern.

9.14 As regards the ground floor accommodation, the kitchen / dining rooms are triple aspect and would, therefore, receive good levels of daylighting. The living rooms are dual aspect so would also benefit from acceptable levels of daylighting. At first floor level, the bedrooms would be dual aspect, with the remaining windows serving bathrooms and en-suites.

9.15 It is acknowledged that there would be some shading of the gardens and, potentially, a reduction in the levels of light entering the respective dwellings; however, as outlined above, the internal layout has been designed in such a way as to ensure that this is minimised. Furthermore, the belt of trees to the rear is not highly dense and deciduous; therefore, light would filter through the canopies in the summer. Furthermore, it should also be noted that the proximity of the trees to built form was considered in the arboricultural report submitted in support of this application, with the arboriculturist noting at 7.1 that:

"The retained trees are at a satisfactory distance from the proposed new building, and highly unlikely to give rise to any inconvenience."

9.16 The previous appeal decision raised no concerns with the internal environment of the proposed dwellings. Previous appeal decisions are a material planning consideration, as established in *North Wiltshire DC v Secretary of State for the Environment* (1992). Whilst I have had consideration to the most recent appeal decision in respect of this site, I have nonetheless made my own assessment based upon the information submitted and conclude that the internal environment would be satisfactory.

Noise and Vibration

9.17 The development is in close proximity the West Coast Mainline Railway (operated by Network Rail) and therefore consideration needs to be given to the potential for adverse impacts arising from noise and vibration.

9.18 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

9.19 Paragraph 180 further states that planning policies and decisions should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

9.20 This application has been supported by a Noise and Vibration Assessment carried out by Cass Allen and in accordance with BS8233:2014 '*Guidance on sound insulation and noise reduction in buildings*'.

9.21 In summary, the report concludes that acceptable internal noise levels can be achieved in habitable rooms subject to appropriate compensatory measures – i.e. acoustically upgraded glazing and ventilation. Noise levels to the external amenity areas would broadly comply with the recommendations of BS8233 based upon the erection of a 2 metre imperforate acoustic barrier with a minimum density of 10kg/m² along the western, northern and eastern boundaries of the site.

9.22 The Council's Environmental Health Officer has been consulted and does not wish to raise objections to the proposal subject to the inclusion of planning conditions. The proposed wording of these conditions is as follows:

1. No development above slab level shall take place until a noise mitigation and alternative ventilation scheme to protect each habitable room from railway noise has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented prior to first occupation of the dwellings hereby approved and shall be retained in perpetuity thereafter.
2. Prior to first occupation of the dwellings hereby approved, a 2 metre high acoustic fence will be erected along the northern boundary of the site. This barrier will be imperforate, have a minimum surface density of 10kg/m² and shall be retained in perpetuity thereafter.

9.23 In all of the previous planning applications, and subsequent appeals (which are material planning considerations, noise and vibration have not formed a reason for refusal.

9.24 Based on the information provided in support of this application and the comments received from the Council's Environmental Health Officer, it is not considered that the development would be adversely affected by noise and vibration.

Summary

9.25 S. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local planning authorities with respect to any buildings or other land in a conservation area. In particular, there is a requirement for special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

9.26 Having given consideration to the development proposal and the impact this would have on the character and appearance of the Berkhamsted Conservation Area, it is considered that it would preserve its character. The development would also comply with saved Policy 120 of the Dacorum Local Plan and Policies CS11, CS12 and CS27 of the Dacorum Core Strategy (2013).

9.27 Consideration has also been given to quality of the amenity areas being provided. Saved Appendix 3 allows for garden depths of less than 11.5m where infill dwellings are proposed and would have a garden depth equal to adjoining properties. More importantly in light of the Inspector's previous ruling, the gardens should be of a width, shape and size to ensure that the space is functional. The amended layout achieves this and therefore accords with saved Appendix 3 and addresses the Inspector's reason for refusing the previous application.

9.28 Noise and vibration impacts can be suitably addressed by appropriately worded planning conditions and thus would be in accordance with paragraphs 170 and 180 of the NPPF.

The Potential Impact on the Living Conditions of the Occupiers of Surrounding Residential Units

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

9.30 Concerns have been raised over the potential for overlooking arising from the introduction of built form in a part of the road where none currently exists. Whilst it is acknowledged that there would be some new overlooking, it is important to note that this would be overlooking of a front elevation, which is considered to be less sensitive. In addition, the separation distance (approximately 15m) is broadly in line with what would reasonably be expected on a residential road in an urban area. Similarly, the separation distance between the development and no. 26 Station Road does not give rise to any concerns.

9.31 An objection has also been received regarding the potential for increased levels of noise disturbance from the railway following the excavation of earth at the application site. However, given that the Noise and Vibration Assessment indicates that noise from the railway could be reduced to acceptable levels within the gardens of the application site, which is itself closer to the railway than the houses on the opposite side of Station Road, it is considered unlikely that the removal of the earth bank would result in such severe noise impacts, if any, as to warrant a refusal of planning permission.

9.32 The development is therefore considered to comply with Policy CS12 of the

Dacorum Core Strategy.

Impact on Trees and Landscaping

9.33 The proposed development would retain the mature trees at the rear of the site and also provide for a new soft landscaping scheme within the site and along the new frontage to Station Road. The appeal Inspector commented previously that the proposals were acceptable in respect of trees and landscaping and there is no significant change in circumstances within this application that would lead to a different conclusion being reached in respect of the current proposal.

9.34 The application has again been accompanied by an arboricultural report which both the Council's Trees and Woodlands Officer and the Inspector have previously accepted and, subject to the imposition of suitable conditions regarding tree protection and replacement landscaping, the proposals are considered to be acceptable and would comply with relevant planning policies.

Access, Parking and Manoeuvrability

9.35 In the appeal from 2016 (APP/A1910/W/16/3151498) in respect of 4 residential units, the Inspector acknowledged that Station Road is heavily parked with only a limited number of spaces being available at the time of his visit. However, he was satisfied that the number of off-road parking spaces (2 per dwelling) provided would be sufficient and that the loss of some informal parking would not be so severe as to warrant a refusal of planning permission:

"...the proposed development would lead to only a very small reduction in the overall level of parking provision, which would not, in my view, be so significant as to warrant refusing planning permission on this ground."

9.36 Furthermore, the traffic generated by the site would not, in the view of the Inspector, significantly worsen the frequent vehicular conflicts that occur along this section of Station Road.

9.37 The current application proposes tandem parking for the two dwellings, limiting the impact on the current informal parking arrangements along Station Road. It is acknowledged that the works to the highway as part of the proposal would reduce the number of car parking spaces available for local residents. However, the current arrangement is informal – i.e. not authorised by Herts Highways Authority – and therefore does not meet the required parking standards for bay parking, where a minimum of 6 metres in length is required. Herts Highways have come to the view that limiting the displacement by providing the proposed formal bays would be satisfactory; indeed, this very point is specifically addressed in their formal comments:

"Station Road currently accommodates informal on-street parking. The proposed development would result in the displacement of a number of vehicles, therefore, as part of pre-application advice provided by HCC, it was requested that the applicant provide adequate car parking within the site to prevent overspill onto the highway."

The applicant has addressed this by proposing the provision for 6 public off-street public parking spaces."

9.38 Therefore, subject to the inclusion of conditions and informatives, Herts County Highways Authority do not wish to restrict the grant of planning permission.

9.39 Given the constrained nature of the immediate area, it is considered appropriate to require the submission of Construction Traffic Management Plan (CTMP) prior to the commencement of development. In particular, the CTMP will require details of construction and storage compounds (including areas designated for car parking) as well as the provision of sufficient onsite parking prior to the commencement of construction activities.

9.40 Having had regard to previous appeal decisions and the fact that Herts Highways have not raised any objections, it is considered that the level of parking and the amended access arrangements – including formal parking bays – are acceptable in planning terms and would accord with saved Policy 51 of the Local Plan and Policies CS8, CS9 and CS12 of the Dacorum Core Strategy.

Other Considerations

Affordable Housing

9.41 In line with Policy CS19 of the Core Strategy, which has been subject to updated interpretation through the Council's Affordable Housing SPD – Clarification Note, the construction of 2 dwellings would not give rise to a requirement for affordable housing – either by way of on-site provision or in the form of a commuted sum.

Land Contamination

9.42 Having reviewed the information submitted as part of the planning application and having considered the information held by the Environmental Health Department, the Council's Scientific Officer has recommended a number of conditions be applied to any grant of planning permission in order to ensure that potential for land contamination is addressed and, where appropriate, remediated.

Ecology

9.43 The site is not part of a designated wildlife site or nature reserve, or green corridor, as set out in saved Policy 102. Nevertheless, Policy CS26 (Green Infrastructure) states inter alia, that development will contribute towards the conservation and restoration of habitats and species.

9.44 The two previous applications have established that, subject to further studies in relation to the translocation of common lizards from the site, and an informative regarding badgers, the development of the site for residential purposes is acceptable.

9.45 Comments were provided by the County Ecologist in respect of 4/00645/16/FUL. These are still considered to be relevant. In an email dated 25th October 2019, the County Ecology Advisor confirmed that the previous comments are still valid for both reptiles and badgers. The previous comments have been reproduced below for ease of reference:

1. We have no ecological data on the application site. Historically the area has remained open since the 1880s with no indication of any habitat features, so the wooded and shrubby character of the site represent secondary growth within the last 50 years or so.

2. Whilst there is no long-standing habitat interest, clearly the open ground, shrubs and trees which border the railway line here provide a local ecological resource of at least moderate value at the site level. It contributes to the local ecological resource within the river valley as a stepping stone along the corridor, despite the urban nature of the town.

3. The proposals will degrade the ecological interest of the site and its role as an ecological resource within the river valley by destroying habitat. However the potential for the site's use for housing has been acknowledged by the LPA so its long term survival is inevitably compromised, given there are no known outstanding ecological reasons that would otherwise represent a constraint on any such proposal. I note that the line of mature trees which is the site's most prominent ecological and visual amenity feature is described as outside of the perimeter boundary fence and as such appears to largely remain, although some pruning is proposed. The retention of this feature will clearly limit the ecological impact of the development.

4. The site has been subject to ecological surveys. The Habitat and protected species assessment identified several habitat compartments and described the nature of the site. It is typical of land which has generated rough vegetation on disturbed sites and also subject to garden refuse dumping including establishment of non-native plants. It is not considered to have any ecological significance as a habitat. I acknowledge that the intrinsic nature of the habitat is of limited interest, but its role locally in providing a semi-natural habitat has not been adequately recognised. In respect of species it was proposed to undertake further badger and reptile surveys of the site, which given the nature of the habitat, I consider to be appropriate. There is a large Great crested newt breeding area at Berkhamsted Castle- assuming it retains water - but it is considered unlikely that GCN are present at this site. The reptile survey may pick up any newt presence in any event.

5. The badger and reptile survey produced no evidence of badgers, but a low population of common lizards was confirmed as present on the site. I consider it is therefore also likely to be a breeding site. This is consistent with the railway corridor which is often a favoured habitat for such reptiles. These will need to be translocated offsite to ensure they will not be harmed, during the appropriate active season. This work will be subject to a detailed method statement, which presumably has yet to be produced.

6. On the basis of the above I consider that there are no fundamental ecological constraints sufficient to object to the development proposals on this site. However, given the impact on the site and the reptiles present, I advise that a Condition is attached to any approval to the effect that:

- A detailed method statement should be provided for the translocation of common lizard from the application site. This should also describe:
 - The location of the proposed receptor site;
 - The receptor site's current condition;
 - The management required to maintain and enhance the receptor site to ensure it remains in a condition sufficient to support the translocated population for at least the following 5 years, consistent with their otherwise continued presence at the development site.

This would follow best practice to provide a basis for demonstrating the 'reasonable effort' which is required to avoid harm to common lizards, given their protection afforded by inclusion on Schedule 5 of the Wildlife and Countryside Act.1981. The Statement should be provided to the satisfaction of the local authority in order to ensure it has implemented its' Biodiversity Duty and followed the NPPF guidance in respect of seeking ecological enhancements from development.

7. I have no reason to believe that badgers would move onto the site in the short term, but it may be prudent to include an Informative suggesting that any clearance should proceed with caution before development begins, or that a final check should be undertaken to confirm badgers are not present on site.

9.46 Therefore, subject to those requirements there are not considered to be any constraints to the development of the site by reason of harm to protected species.

Archaeology

9.47 Formal comments have not been received from Hertfordshire Archaeology, but they have commented in respect of previous applications and confirmed that there are no implications for below ground archaeology.

Community Infrastructure Levy (CIL)

9.48 Policy CS35 states that all development will provide or contribute to the provision of the on-site, local and strategic infrastructure required to support the development.

9.49 The site is situated within Charging Area 1 as defined by the Community Infrastructure Levy Charging Schedule. As such, residential development within this area is chargeable at a rate of £250 per square metre.

10. Conclusions

10.1 Planning permission is sought for the construction of two residential dwellings with associated amenity space and parking.

10.2 Whilst a number of matters have been raised by local residents during the consultation process – i.e. loss of informal parking, noise disturbance to the new dwellings from the railway, disruption during construction works, loss of green space within the Conservation Area, and loss of privacy - these have not previously formed a reason for refusal by Planning Inspectors, whose decisions are material considerations. Significant weight has been given to these decisions; however, a full assessment of the proposal on its own merits has nonetheless been carried out and the other issues raised are not considered to warrant a refusal of planning permission.

10.3 The increase to the width of the plots and the concomitant additional area of amenity space is considered to fully address the previous appeal Inspector's reason for refusal. The amenity space would be highly functional, facilitating a wide range of outdoor recreational uses, and the imposition of a landscaping condition would ensure sufficient privacy for future occupiers and an appropriate visual appearance in the Conservation Area.

10.4 Subject to the imposition of the recommended conditions, the proposals would not result in harm to the Berkhamsted Conservation Area or the residential amenity of neighbouring dwellings. The submission of further information in respect of a number of matters is recommended to be secured by condition as detailed within this report.

10.5 The proposed units would make a valuable contribution to housing stock within the area through the optimisation of an existing site. The application is therefore recommended for approval.

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

Conditions

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>DPL/19/06-1 DPL/19/06-2</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>No development above slab level shall take place until samples and / or details of the materials proposed to be used on the external walls and roofs of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.</p> <p>Reason: To ensure a satisfactory appearance to the development in the interests of the character and appearance of the Berkhamsted Conservation Area in accordance with saved Policy 120 of the Dacorum Borough local Plan (2004) and Policies CS12 and CS27 of the Dacorum Core Strategy (2013).</p>
4	<p>No development above slab level shall take place until 1:20 details of the design of the following shall have been submitted to and approved in writing by the local planning authority:</p> <p>all new windows (including bay windows), roof lights, external doors and openings (including materials, finishes, cills, window headers and vertical cross sections through the openings). The details shall include vertical and horizontal cross-sections through the openings to show the position of joinery within the opening, depth or reveal, heads, cills and lintels. Glazing bar and moulding details shall be shown at 1:1 scale; eaves joinery and corbelling detail; Front boundary wall and railings.</p>

	<p>The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the character and appearance of the Berkhamsted Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy (2013) and saved Policy 120 of the Dacorum borough Local Plan (2004).</p>
5	<p>No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and; The results from the application of an appropriate risk assessment methodology.</p> <p>No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p> <p>This site shall not be occupied, or brought into use, until:</p> <p>All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme. A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Dacorum Core Strategy (2013). The details are required before commencement of development as if they are deferred until after the development has begun, there is the potential for the spread of contaminants into the environment.</p>
6	<p>Any contamination, other than that reported by virtue of Condition 5 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and</p>

	<p>agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Dacorum Core Strategy (2013).</p>
7	<p>Notwithstanding any details submitted, no development above slab level shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>hard surfacing materials; means of enclosure; soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; Biodiversity features such as bat boxes; proposed finished levels or contours; car parking layouts and other vehicle and pedestrian access and circulation areas; proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant; arrangements for how surface water from the site will be intercepted and disposed of separately so that it does not discharge into the highway.</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan (2004) and Policies CS12 and CS13 of the Dacorum Core Strategy (2013).</p>
8	<p>No development shall take place until details of the proposed slab, finished floor and ridge levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory form of</p>

	<p>development in accordance with policies CS11, CS12 and CS13 of the Dacorum Core Strategy (2013). The details are required before commencement of development as if they are deferred until after the development has begun, it will not be possible to accurately assess the existing levels.</p>
9	<p>The proposed car parking spaces shall be maintained as permanently ancillary to the development and shall be paved and used for no other purpose.</p> <p>Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013).</p>
10	<p>The development shall not be brought into use until the new vehicle crossovers have been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.</p> <p>Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013).</p>
11	<p>No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The statement shall provide for:</p> <ul style="list-style-type: none"> the parking of vehicles of site operatives, contractors and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; construction access arrangements; wheel washing facilities; measures to control dust and dirt during construction; <p>The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.</p> <p>Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan (2004). The details are required before commencement of development as it is necessary to ensure that the measures are planned and in place at the start of construction.</p>
12	<p>Prior to first occupation of the dwellings hereby approved, a plan, and management details, of the proposed parking arrangement across the frontage of the site (including Highway land) has been submitted to and approved in writing by the Local Planning Authority. The details shall include arrangements for the use of the area/parking and how these spaces will be reserved and made available for use by the general public in perpetuity, including details of appropriate signage and maintenance. The parking area shall remain unrestricted and available for public use and no physical barrier or obstruction shall at any time be installed to prevent their unrestricted use.</p> <p>Reason: To ensure the benefits of the proposal are delivered and to ensure that adequate and satisfactory provision of off-street vehicle parking is provided in accordance with Policy CS12 of the Dacorum Core Strategy (2013)</p>

	and Saved Policy 51 of the Dacorum Borough Local Plan (2004)
13	<p>No development shall take place until a noise mitigation and alternative ventilation scheme to protect each habitable room from railway noise has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented prior to first occupation of the dwellings hereby approved and shall be retained in perpetuity thereafter.</p> <p>Reason: To ensure satisfactory living conditions for future occupiers of the dwellings in accordance with paragraphs 170 and 180 of the NPPF (2019). The details are required before commencement of development as if they are deferred until after the development has begun, the design and form of development may dictate that certain noise mitigation measures are ruled out.</p>
14	<p>Prior to first occupation of the dwellings hereby approved, a 2 metre high acoustic fence will be erected along the northern, eastern and western boundaries of the site. This barrier will be imperforate, have a minimum surface density of 10kg/m² and shall be retained in perpetuity thereafter.</p> <p>Reason: To ensure satisfactory living conditions for future occupiers of the dwellings in accordance with paragraphs 170 and 180 of the NPPF (2019)</p>
15	<p>No development shall take place until a detailed method statement for the translocation of common lizard from the application site shall have been submitted to and approved in writing by the local planning authority. The statement should also describe:</p> <p>The location of the proposed receptor site; The receptor site's current condition; The management required to maintain and enhance the receptor site to ensure it remains in a condition sufficient to support the translocated population for at least the following 5 years, consistent with their otherwise continued presence at the development site.</p> <p>The development shall be carried out in accordance with the approved method statement.</p> <p>Reason: To ensure the protection of lizards and their habitats in accordance with saved Policy 102 of the Dacorum Borough Local Plan (2004). The details are required before commencement of development as if they are deferred until after the development has begun, there is the risk that the survival of lizards on the site may be prejudiced.</p>
16	<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 without the prior written approval of the local planning authority:</p> <p>Schedule 2 Part 1 Classes A & C Part 2 Class A</p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Berkhamsted Conservation Area and preventing overdevelopment of the</p>

	<p>plots and the enlargement of the individual dwellings, which may result in additional car parking demand and overlooking and loss of privacy to surrounding residential properties, in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy (2013) and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.</p>
17	<p>Prior to the commencement of the development hereby approved (including all preparatory work), a scheme for the protection of the retained trees shown on drawing no. DPL/19/06-1, including a tree protection plan (TPP) and an arboricultural method statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <p>Location and installation of services/ utilities/ drainage. Details of construction / excavation within the RPA that may impact on the retained trees. A full specification for the installation of boundary treatment works. A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.</p> <p>Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and saved Policy 99 of the Dacorum Borough Local Plan (2004).The details are required before commencement of development as if they are deferred until after the development has begun, the retained trees may be damaged and the condition will not have served its intended purpose.</p> <p>Article 35 Statement</p> <p>Planning permission/advertisement consent/listed building consent has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>INFORMATIVES</p> <p>Highways</p> <p>1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment,</p>

apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-

<https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

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

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

5. Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a s278 Agreement with the HCC.

Land Contamination

The contamination conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on 'Development on Potentially Contaminated Land and/or for a Sensitive Land Use' in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

Network Rail

For the avoidance of doubt the applicant is to complete the Asset Protection

Development Questionnaire and submit directly to:
AssetProtectionLNWSouth@networkrail.co.uk.

A construction manager may need to attend site however, that would be for the AsPro team to determine.

(2) All surface and foul waters to drain away from the railway boundary. No soakaways within 30m of the railway boundary. Surface and foul waters to be removed from site via a closed sealed pipe system.

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

To note are:

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

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

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

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

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

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

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

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

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

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

Ecology

As badgers are not known to be in the vicinity, an Informative for a precautionary approach to site clearance works should suffice:

'It is an offence to disturb badgers in setts, or damage, destroy or block access to their setts (amongst other offences). Precautionary measures should be taken to avoid harm where appropriate. If badgers, or evidence of them, are discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from an appropriately qualified and experienced Ecologist or Natural England.'

Appendix 1

Consultation responses

Herts Property Services

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within 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.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team (growth@hertfordshire.gov.uk).

Hertfordshire County Council 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:

CONDITIONS

1. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of each access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway. Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.
2. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

3. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

4. The development shall not be brought into use until the new vehicle crossovers have been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

5. S278 Agreement: Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a s278 Agreement with the HCC.

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

INFORMATIVES

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-<https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the

party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>

COMMENTS

This application is for Construction of two 3-bed semi detached dwellings

PARKING AND ACCESS

Parking Provision:

The applicant states that 2 spaces per dwelling will be provided. This equates to a total of 4 parking spaces for the residential development which is in accordance with DBC Parking Standards Appendix 5.

Station Road currently accommodates informal on-street parking. The proposed development would result in the displacement of a number of vehicles, therefore, as part of pre-application advice provided by HCC, it was requested that the applicant provide adequate car parking within the site to prevent overspill onto the highway.

The applicant has addressed this by proposing the provision for 6 public off-street public parking spaces.

Parking Layout:

Roads in Hertfordshire Highway Design Guide 3rd Edition states that the dimensions for parking bays shall be in accordance with the guidance in DfT Manual for Streets. Drawing no DPL/19/06 - 1 shows that these dimensions have been met.

ACCESS

Vehicular

The proposed parking spaces for the properties require the construction of two new vxos onto Station Road.

Pedestrian

There is currently a footway on the southern side of Station Road. The applicant proposes to construct a formal footway on the north side of Station Road.

Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a s278 Agreement with the HCC.

Servicing Arrangements:

No information has been provided on the proposed refuse and servicing arrangements. The proposed refuse storage and collection arrangements should be consistent with guidance provided in Manual for Streets (MfS).

Refuse collection should be within 25m from the highway for collection purposes which is in accordance with Manual for Streets 6.8.9.

As stated, during pre-application consultation the LPA refuse department would need to be consulted for their comments regarding the accessibility of the development by refuse service vehicles before the arrangements can be considered acceptable.

CONCLUSION

HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the conditions and informative notes above.

Network Rail

Network Rail has the following comments to make:

(1)

For the avoidance of doubt the applicant is to complete the attached form and submit directly to:

AssetProtectionLNWSouth@networkrail.co.uk

A construction manager may need to attend site however, that would be for the AsPro team to determine.

(2)

All surface and foul waters to drain away from the railway boundary. No soakaways within 30m of the railway boundary. Surface and foul waters to be removed from site via a closed sealed pipe system.

(3)

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

To note are:

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

5. Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.
6. Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.
7. Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature, and may occur at any time of the day or night, during bank holidays and at weekends.
8. Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
9. The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators, and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.
10. The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
11. Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.
12. Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.
13. Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.

DBC Environmental Health

18/03/19

I refer to the above application.

The location of the development site has the potential to be impacted by rail noise and vibration. Noise (and vibration) is recognised with national planning policy and supporting documents (Noise Policy Statement of England, Planning Policy Guidance: Noise) as relevant to planning due to impacts on health and quality of life.

I note from the site planning history (4/02316/17/FUL – refused) an assessment of rail noise and vibration has been undertaken. This report was prepared by Cass Allen, Ref: RP01-15352, May 2016. This assessment identified to make the development acceptable noise mitigation would need to be incorporated into the development. This includes creation of an earth bund and barrier fence to protect external amenity areas and suitable glazing and alternative ventilation for habitable rooms.

For external amenity areas paragraph 4.25 , 4.26 and 6.6 state:

*4.25 - It is understood that the proposed development would **involve levelling the majority of site to a level similar to that of Station Road**. This will result in an earth **'bund'** to the rear of the site which will provide acoustic screening for the external amenity areas associated with the proposed dwellings.*

4.26 - A 2 metre high acoustic fence will be erected along the northern boundary of the site on top of this bund. This barrier will be imperforate and have a minimum surface density of 10kg/m². This will provide further acoustic screening for the site. The location of this barrier can be seen in Figure 2 below (marked in brown).

6.6 Noise levels in external amenity areas are predicted to broadly comply with the BS8233 recommendations including the benefit a 2 metre imperforate acoustic barrier with a minimum surface density of 10kg/m² is erected along the western, northern and eastern boundaries of the site.

For internal habitable spaces paragraph 6.5 states:

6.5 - Acceptable internal noise levels have been calculated to be achievable in habitable rooms of the development subject to the adoption of acoustically upgraded glazing and ventilation in the development design. This can be investigated further at the detailed design stage and may be secured by the imposition of a noise-related planning condition if deemed necessary by the Local Planning Authority.

Therefore this development can be made acceptable subject to planning conditions which requires a scheme of mitigation for internal and external amenity areas. For external areas this assumes the site will be levelled and an earth bund created, on top of which a noise barrier will be sat. However I will need to know how tall the bund will be so this can be worded within the condition.

Once the developer has provided this information I will suggest some conditions for noise.

15/08/19

Info is fine and with respect to the Cass Allen report an alternative scheme of ventilation would be required in place of opening windows. Trickle ventilation would only provide background ventilation and so the development would need to consider mechanical or whole house ventilation. I would suggest to ensure adequate living amenity the following conditions are applied in line with policy CS32

A 1.8 metre high acoustic fence will be erected along the northern boundary of the site. This barrier will be imperforate and have a minimum surface density of 10kg/m² and retained thereafter.

Prior to commencement of the development the applicant shall submit for the approval of the LPA a noise mitigation and alternative ventilation scheme to protect each habitable room from railway noise. The scheme shall be implemented in accordance with the approval and retained thereafter.

DBC Contaminated Land Officer

Having reviewed the documentation submitted with the above planning application and having considered the information held by the Environmental Health Department I have the following advice and recommendations in relation to land contamination.

There is no objection to the proposed development, but it will be necessary for the developer to demonstrate that potential for land contamination to affect the proposed development has been considered and where it is present that it will be remediated.

This is considered necessary because the application site was associated with railway land in the late 19th and 20th century and because the proposed end use will result in the introduction of a land use that is more vulnerable to the presence of ground contamination than the current land use. Therefore, the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

Condition 1:

3. No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
4. If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
 3. A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 4. The results from the application of an appropriate risk assessment methodology.
5. No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
6. This site shall not be occupied, or brought into use, until:
 3. All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 4. A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

Condition 2:

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

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

Informatives:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on “Development on Potentially Contaminated Land and/or for a Sensitive Land Use” in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

Please let me know if you have any questions.

Conservation and Design

The site in question is a narrow strip of open land adjacent to the embanked mainline railway line on the northern side of Station Road, at its junction with Gravel Path. Adjacent to the north-west end of the site is a pair of existing dwellings, which along with those properties on the southern side of Station Road that back onto the Grand Union Canal, were built towards the ends of the 19th century and whilst these buildings are two stories in height with pitched roofs, they are of a mixture of different built forms that still collectively have a strong commonality about them, in terms of the materials used in their construction, the projecting ground floor front bay windows that are to be found on many of the dwellings, and the fact that the with the properties collectively exhibit a strong build line in the street-scene.

This setting within the conservation area has not changed since the previous application. We would not object to the proposals. We believe that the proposed new buildings would be in keeping with the character of the area. They reflect the 19th century architecture of the period and would not cause harm to the setting of the surrounding conservation area. The only minor alteration we would suggest making to the design would be to reduce the rooflights to the façade. At present the roof appears

somewhat cluttered and it would be recommended that it be reduced from 6 to 2 rooflights as this would improve the external appearance of the principle elevation and be more in keeping with the character of the wider conservation area. It should be noted that the windows and door should be recessed and not flush fitting particularly to the façade and to the gables. As the front door opens into the hall which is unlit it may be better to have 6 panel doors with glass replacing the timber on the top two panels.

Recommendation We would not object to the proposals. Bricks,brick bond, rooftiles, rainwatergoods joinery details and finish including set back of windows, eaves details, chimney details subject to approval.

Berkhamsted Town Council

Objection

The proposed dwellings would be badly affected by the noise from the railway. The removal of parking spaces relied upon by local residents is inappropriate and furthermore, tandem parking is unacceptable, particularly in an already congested street. The negative impact on trees and wildlife from the proposed development was also considered to be a concern, as well as the potential loss of amenity to neighbouring properties resulting from the skylights.

The immediate proximity to the main West Coast rail-line makes development on this site inappropriate.'

CS11, CS12, Appendix 3 (i, vi)'

Appendix 2

Neighbour notification/site notice responses

11 representations received objecting

Comments
<p>I am writing to once again object to the proposal to develop the small strip of land adjacent to 26 Station Road, Berkhamsted.</p> <p>The last appeal was again rejected on the grounds of lack of amenity, and I cannot see how the current plans have overcome this. The proposed strip of land is very narrow and only a few metres from the West Coast Mainline (see photo emailed to James.gardner@dacorum.gov.uk of a Pendolino whizzing past). These and the goods trains make our house shudder, and we live opposite the proposed site. Double glazing has some effect on noise in the winter but warm weather necessitates keeping windows open all night and even though we are much further away the noise wakes us very early in the morning. The gardens to the side of the properties may be bigger in the new plans</p>

but cannot escape the proximity of the railway line. Previous tenants of the listed railway cottages adjacent to the proposed development have said that they could not hold a conversation with the windows open nor outside. An acoustic fence would need to be very close to the house to avoid tree roots and therefore block light in to the houses.

The new, proposed parking solution for the 2 houses is not safe on such a congested road.

The proposal of very wide houses with tiled roofs is not in keeping in a road of terraced houses with slate roofs.

While parking has not been considered a factor in the rejection of this proposal by the borough council, the situation on our road worsens all the time and the proposed development only exacerbates the situation. It may not make such a difference to us on Station Road as there is rarely space to park, but neighbouring streets in the conservation area would surely be affected by the displacement of so many cars.

Common sense has so far prevailed and previous appeals have been rejected. The reasons given still hold whether the proposal is for one or eight homes.

Station road has objected to CONSTRUCTION OF TWO 3-BED SEMI DETACHED DWELLINGS on this site many times. What is different about this application. Why is the council time and our time being wasted. George Greenwood

Proposal re. Land adjacent to 26 Station Road, Berkhamsted

1/ CONSERVATION AREA: The site has been substantially unaltered since the early 1900s. It is an attractive (though narrow) banked and semi-wild area, with an important line of rising land with a row of trees at the top. This gives screening from the railway line both for vision and noise. The application's proposals would make a substantial detrimental change to the character and nature of this part of the conservation area, and is in my view contrary to the Council's policies on development. The design and access statement acknowledges that the site is fully in the conservation area.

2/ NOISE: The application shows a cross-section of the house and bank behind which is very optimistic with its understatement of the maximum height of the bank behind the proposed houses. To achieve the garden size suggested will require removal of much more material

from the bank than it seems from the unrealistic "typical site section". This removal will result in nearby residents suffering substantially more noise and vibration from the railway line.

3/ TREES: The site plan and the "typical site section" both show the boundary of the site as very close to the existing trees. The excavations would appear inevitably to require removal of the highest lateral roots of the trees, which will affect both their stability in wind and their ability to reach water in the ground. The very close proximity of the houses to the top of the bank will inevitably lead to pressure from the new residents (should the houses be built) to lop, top or fell the trees on grounds of very close proximity, safety and light level - although the proposed houses would be light enough at the front, the back rooms and garden would unavoidably be dark and dingy.

4/ TRAFFIC: The plans propose a footpath in front of the houses, though it is not clear who would use the footpath, since it would serve no identifiable purpose. But the plans are substantially misleading on the width of the Highway Authority land on which the pavement and 6 public parking spaces are to be situated. The land is not wide enough for both footpath and public parking; even with wheels touching the new kerb, the parked vehicles (given today's car widths) would intrude on existing road space and effectively make the road narrower and more difficult to negotiate than it is already. Have the Highway Authority given their consent to this?

Annoyingly, this latest version of the plans goes back to the idea of the resident's car parking to be end-to-end rather than side-by-side. This would require manoeuvring to get the rearmost vehicle out, which would be highly inconvenient both to the occupants of the proposed houses and to all other road users.

This new application is in substance very similar to previous applications, in proposing a development quite unsuitable for the area on an inappropriate site. I urge the Council to reject it.

I write on behalf of the BCA Townscape Group, of which I am a member. The Group has two concerns about the application: the inclusion of tandem parking is not ideal in any development, and particularly at this narrow part of Station Road; and following from that, the Group is concerned that vehicles emerging from the site will compromise the safety of pedestrians crossing in front of its driveways.

Application for development on land adjacent to 26 Station Road, Berkhamsted. Again.

I am writing, yet again, to voice my objection to a further

application to push through again a most unsuitable development of this thin strip of land bordering the railway line (description for the benefit of those who have been unable to visit the site) and which will increase the problems that already exist in this busy road.

Road chaos is frequent at the busy times but is exacerbated by heavy vehicles exiting the enlarged industrial site further back from the proposed development, thus it is all too often there are traffic jams with ensuing damage to legally parked cars, usually belonging to residents.

Safety is a daily risk. It is increasingly difficult for parents with prams and small children to negotiate the narrowing pavement on the other side of the road.

Building works are a daily norm in the street with difficulty for traders to ever park near their workplace.

Parking is a permanent issue for residents as it is open house for station car parking, holiday parking (yes, people even park and go away for a week or two!) and, let us not forget the students parking from the Collegiate. What chance a resident?!

My house is in the conservation area encumbered by an oppressive Article 4 (which, as you may or may not know, applies to only a few houses in this street), which means we have strict rules governing miniscule details on planning. Why is that land practically opposite can have carte blanche with their proposal again and again?!

And who, in their right mind, would pay an astronomical tuppence to have HS2 fly past their open window? Would you? Then why inflict the development upon already harassed residents.

Therefore, I am adding my objections to those of my neighbours and residents in Station Road - aka - The Silent Majority? Not.

I wish to formally object to the plans that have been submitted under the reference number above.

Although I see the width of the garden has been increased by reverting to a narrower "2 space parking area", this would require cars co-ordinating access in and out in order for both spaces to be utilised - blocking the flow of traffic in order to do so. These spaces are simply inaccessible in an already busy road with both passing road traffic and existing residents vehicles.

The road itself is already over congested due to commuter cars. The paths themselves are used regularly by pedestrians (commuters and school children) and this access alone will cause considerable issues throughout the day but especially at peak times.

Access to this area is simply impossible due to the logistics and access of the current road - cars approach from Gravel path into Station road at great speed. This would simply be an accident waiting to happen should the development go ahead. Lorries currently following sat navs cause great obstructions in this part of the road - see image.

The front elevations (as per previous submissions) have a pavement that leads to no-where and this again reduces car parking spaces overall in the road, not just on the land in discussion also on the residential side of the street.

This is simply overdevelopment, in both mass and bulk, of the area in an already congested part of the town.

I look forward to hearing an update on the application.

I am writing to raise my objection to the development of semi detached houses on Station Road in Berkhamsted by Rivergate Homes and Paul and Elizabeth Rooksby reference 4/00528/19/FUL.

I have several areas of concern, and therefore object to this development.

Railway Noise

The noise level will prevent the practical use of the small gardens planned. In addition the noise levels inside need to be reviewed in light of this. I would also suggest that the residents will be affected by the noise levels indoors even with window insulation. Are we expecting these individuals who own these houses to never open a window? Standing in Station Road, outside my house on the pavement opposite the site, it is impossible to continue a conversation when either a high speed Virgin express or a slower freight train passes.

Vibration from Trains

The vibration from the trains would obviously be felt from the railway line and residents in Station Road living significantly further from the railway line already feel this in their houses. (my garden pond ripples) If you were to review house sales of dwellings close to the local railway you would note that there are many properties on the market for this reason. The vibration from the trains would be felt inside and outside and would mean that the

dwelling are uninhabitable. Something that has been a constant problem in the rail way cottages adjacent to the site. These have undergone periods of vacancy due to noise and vibrations.

Parking

Berkhamsted has a severe parking problem and Station Road is one of the worst affected roads. The drawings show Station Road to be wide. However they do not show the permanent line of parked cars on one side, which essentially renders the road a one way street which is very busy. Valuable parking places will be removed if this development takes place.

The two proposed tandem parking places will, I am sure, cause not only danger and disruption to the traffic flow in Station Road but also be a concern to the safety of passing pedestrians as cars are shunted in and out. (are 2 parking places enough for a 3 bedroom house?

Light in the Gardens & Houses

I am also concerned that the proposed houses would provide very poor quality gardens, with steep retaining walls reducing usability and resulting in a poor outlook from habitable rooms. The gardens would also be shaded by the mature trees, resulting in pressures for these to be removed. They would receive very little direct sunlight throughout the day and the situation is exacerbated as the trees that should be protected will block light.

Development Design and conservation.

The building design is not very similar to neighbouring buildings in a conservation area. The development will inevitably result in the loss of the trees. This will remove our important acoustic screen from the railway and also harm the appearance of this conservation area site .

This is the only natural wild area not only in the conservation area but as far as I can tell in the whole of Berkhamsted. It has been left this way since the railway was opened in 1837. It is home to a variety of wild life including owls, collared doves, robins, wrens, jackdaws , butterflies and moths, lizards and even bats feeding on the insects at dusk. There are goldenrods, rosebay willow herb and a variety of native saplings including wild greengage. When the incline on the plot is levelled for the building can we be reassured that the trees (which act as a sound barrier for us from the railway) ,and their roots, along the top of the bank will not be disturbed causing them to die back in the future. Thus leading to the loss of even more of our sound screen.

It concerns me that the proposed retaining screen of railway sleepers will not, in the long term, be sufficiently robust to retain the tree roots over time.

It should be noted that several of the trees and shrubs have already been substantially trimmed and others have

been removed by the owner.

I also inform you that there is an established use claim on the land currently used for informal parking by residents. This has been an accepted practice for some 40 years. It has been used by me for parking since 1980. The land has not be maintained by anyone except residents during this time and is not owned by the applicant. This has been ignored during the planning process.

I would also like to add the information that the WATER MAIN supplying Station Road and Gravel Path (at least) runs under the verge (now used for informal parking) where the proposed formal parking and landscaping is to be. This has not been noted elsewhere.

I ask you to consider my points and hope that my objections are taken into account.

I therefore ask you to refuse permission for this proposed development.

Please see below my objection to the planned development of Station Road. At our last count we have in excess of 55 households in Station Road and the surrounding area that are objecting to the proposed development.

You will all be aware of this planning application and its lack of merit, it has been the subject of 9 previous reviews at local, county and national level each of which have been refused over the last 3 years and was refused at the town council on last Monday the the 25th of March. In addition the site was refused a planning application in the 1980s. We as local residents find ourselves here again with an application arguing on technical grounds, the core issue remains the site is completely unsuitable for development and we ask that you take into account the following points in refusing the application.

Hopefully prior to this meeting you would have been provided with a detailed briefing of all issues. Again the local residents respectfully request you strongly object to this development and cite non-compliance with all relevant core policies along with any other practical points.

I would also like the opportunity to speak about due process at Dacorum borough council I will forward a separate email with regard to this. I would also ask that you consider a further point, with respect to this. As I local resident I feel I am currently being bullied into submission on the planning front, the spirit of the law is

just not being applied if all a developer has to do is keep applying until permission is granted on technicalities of what is reviewed. I would also be grateful if you could confirm receipt of my e mail.

1. Planning Accuracy/Due Process

I would firstly like to point out that the council have strict guidelines on the accuracy of the plans submitted for review.

The plans put before the council are not accurate this time. I would draw your attention to the following points.

- A. The ground levels on the plans are inaccurate (These are outlined on a detailed response from A Ralton)
- B. To location of the power sub station is incorrect.
- C. The plans are silent on the design of the boundaries that will be used on the site.
- D. The gardens don't look to scale they will be very short in depth and width
- E. The plot uses the existing informal parking on highways land as part of the development to make this look bigger. (This is like me claiming the road outside my house for my use).
- F. The plot where parking is included at the front of the properties is not as wide as presented in the drawings.
- G. The planning notice has not been properly displayed it has been hidden behind a bush

We would welcome help and advice on this point.

2. Proximity of the Development to the Railway Line

You will see in the application that this development is quoted as being near 'a train line'. The residents are unhappy with this description as we do not feel it really provides a balanced view of the situation. It is presented as a being next to a local rarely used rail line.

The planned development is in fact adjacent to the 'West Coast Mainline', one of Britain's busiest routes carrying freight, intercity and commuter trains.

I would also like to make you aware that under the agreed HS2 development, train traffic will significantly increase from the existing 1.5 million passenger journeys to and from Berkhamsted. There will also be further increased volume of rail traffic using the West Coast Main Line that will not stop at Berkhamsted therefore amplifying any points in relation to the railway line or train

traffic. This point was not raised by the developer or the town planners. The Council may be unaware of this situation and this point should be reviewed by you.

The slope of the land should also be considered from a safety perspective the proximity to the rail causing any land slide could have a catastrophic effect on a major transport route. No assessment has been carried out.

This point was debated by the council and not included in the subsequent planning application, this is an oversight. This location is clearly in breach of CS 11 and CS12.

3. Pedestrian Safety

The new driveways provide the only point for pedestrians on the new footpath to cross Station Road to the existing pavement - but with the existing on-street parking there are not gaps for pedestrians to use to get to the existing pavement. The new pavement therefore causes danger by encouraging people to walk in an unsafe area, putting pedestrians in the path of cars.

This does not comply with Core Strategy policy CS8.

4. Light in the Gardens and Houses

We are also concerned that the proposed houses would provide very poor quality gardens, with steep retaining walls reducing usability and resulting in a poor outlook from habitable rooms. The gardens would also be shaded by the mature trees, resulting in pressures for these to be removed. They would receive very little sun after 1pm and the situation is exacerbated as the trees that should be protected will block light. The building would not meet core strategy CS11 or CS12 aiming to provide a high standard of development areas. This poor quality of accommodation would set a poor precedent for future development in Dacorum. We urge you do look at the photos in relation to light requirements.

5. Development Style

In addition, the building design is not very similar to neighbouring buildings and would not comply with Core Strategy CS12 or the National Planning Policy Framework. Key concerns are the materials and styles looking at the existing designs and the use of multiple skylights.

Furthermore the design means that a number of

properties will be overlooked window to window, this is not in keeping with the area. This is not acceptable.

6. Noise and Vibration

The application has not considered the impact of noise and vibration from the railway, despite an appeal of a previous application being dismissed in 1986 on the grounds that the site suffers from considerable noise and vibration.

The noise from the rail line and the vibrations will make the properties uninhabitable. We have previously challenged that the data on noise is inaccurate, it states 85 DB, we believe the noise level is higher. That said 85 DBs is simply too high for high quality living. Clearly in breach of CS 11 and CS12

7. Trees, Vegetation & Wildlife

The development will inevitably result in the loss of the trees. This will remove an important acoustic screen from the railway and also harm the appearance of this conservation area site.

The site has not been developed previously and is a wildlife haven. No ecological information has been provided relating to the impact on bats and any other protected species from the development. The development would not comply with Core Strategy Policy CS26.

8. Traffic Congestion

Cars travel down Station Road at speed and there will be no passing places available along this primarily single carriageway road. This is a danger to emergency services. Photographic evidence has been shared.

The traffic survey supplied is inaccurate.

9. Parking

The previous application included a parking survey which demonstrates there is very little available parking capacity on Station Road and neighbouring streets. This development would exacerbate the parking problems and would severely impact local residents.

The parking spaces to the development cannot be safely accessed as the width of Station Road is such that cars

cannot enter or exit in one manoeuvre. We have suggested alternative arrangements where parking impact would be limited.

There is no parking survey included in the current application this is an oversight.

10. Established Use of the Land

We would also note that there is an established use claim on the land currently used for informal parking by residents. This has been an accepted practice for some 40 years. The land has not been maintained by anyone during this time and is not owned by the applicant. This was ignored during the planning process.

Mr chair, we ask the councillors to listen to the points we have raised and consider the impact to current residents.

We have as a group tried to discuss the plans with the builder who has point blank refused. This is not a build to help someone in the street improve their lives, it is a build motivated by money and gain.

Having reviewed the latest planning application at this site, I have the following observations which I hope the Planning Officer will be able to review and take into account:

1) The proposed gardens have been made wider. This does not make the quality of accommodation proposed any better. The houses are in the same place with the same relationship to the tall boundary trees, the necessary tall retaining walls, and the noisy timber yard and railway. Our previous concerns that the proposed accommodation would be substandard remain.

2) Residents have previously highlighted that the (existing) ground levels shown on the submitted drawings (ie at Section A-A) and the size of the verge to Station Road, differ in size between the plans and when measured on site. These details appear unchanged in the current application and I would request the Planning Officer take measurements and request amendments to the plans to ensure that any planning decision is based on accurate drawings. I would also point out that Section A-A should show a section through the proposed building but is in fact taken further to the south-east as it shows the side elevation. It therefore does not represent the

correct ground levels in the location shown.

3) There is a discrepancy between the plans, as shown in the diagram below. The 'existing' substation in the top image is in a totally different location in the bottom image (and labelled 'new'). This relocation is not in the description of the proposed works and is not in the application site (ie red line outline) so it is not clear if the plans are wrong, or if the application does not mention all proposed works.

4) The application retains a proposed 'new footpath' which is not in the application site. There are concerns that this footpath would result in a reduction of space available on Highway Land for residents to park. I would request the Planning Officer review the possibility of a pathway being provided wholly within the applicant's site from the front door to the driveway which would serve a practical purpose of enabling residents to walk from their house to their car on a hard surface, and would also mean the pavement can be removed, meaning the retained verge is deeper which would reduce the change to the existing parking situation in this area which suffers from a significant shortage of parking spaces. One suggestion is below - if footpaths were provided in the red areas, the on-street path could be removed and this may mean less change to the existing car parking situation in terms of the number of vehicles able to park. This in turn may alleviate some of the concerns local residents hold about the application. It would also presumably reduce the applicant's build costs as they would not be building a large footpath on highway land that would need to comply with highway standards.

5) The submitted plans are silent on the nature of the boundary treatments that would be used to enclose the site, and the proposed (private) gardens. Clearly the appearance and design of these would have a material impact visually on the street scene and this part of the conservation area, and therefore it is requested that the Planning Officer request this information as part of their consideration of the application, so residents can understand the full visual impacts of the proposal on the street scene of Station Road. Leaving these to a planning condition would not be reasonable because of the considerable visual impact they would have on the street scene.

6) The land slopes down toward Station Road. The plans make no reference to any drainage that would be installed to deal with changes in water runoff.

Furthermore, the plans do not clearly show the changes in land levels. Therefore it cannot be understood from the plans whether the driveways would be level (in which case there would be retaining walls, the appearance and materials for which are not specified) or sloping (in which case retaining structures may be required, and drainage will be more important). The actual land levels to the rear are also not clear from the drawings, other than the use of timber retaining sleepers.

7) I welcome the introduction of new trees and hedging to the frontage, and trust these will be specified as appropriate native species that will not drop fruit or leaves onto cars/footpath, and will not have branches that spread out and obstruct car parking or footpaths. This development should have a high quality finish and setting, and should not rely on the use of laurel or similar.

8) I support the proposed use of tandem car parking spaces insofar as this arrangement minimises the loss of on-verge parking for local residents.

9) Positive recommendations by Dacorum Officers have twice been overturned by Councillors, and that overturn agreed with by Appeal Inspectors. I would respectfully request that your assessment of the application makes clear reference to these previous applications and the appeals. If you still intend on recommending approval, it would be beneficial for all involved for the planning reasons for this to be clearly set out so that residents can understand why.

10) If the Council decide to recommend approval, please ensure that conditions are suggested requiring details of a construction management plan to be submitted to set out locations of site storage, welfare facilities, parking for operatives, hours of working, and a point of contact for the local community to ensure that existing on-street parking is not jeopardised in its entirety. The public should be consulted on this), details of fencing, ecological mitigation, drainage scheme and return of verge to its previous or better condition to ensure no loss of parking for local residents.

The latest changes to the proposed development do nothing to address my problems with the previous plans, which are two-fold:

Parking

Residents of Station Road and neighbouring streets have serious problems finding parking, since the limited available spaces are shared with commuters and

students of nearby Berkhamsted School.

As a consequence Station Road is notorious for being a very difficult place to find parking during the working week.

This application plans to greatly reduce the public parking, exacerbating a problem which I presume to be well known by the council. This flies in the face of common sense.

As a family with young children this application will have a serious impact upon our ability to use a car.

Change to character

I feel that the site of the proposed development is a rare wild space which contributes to the character and ecology of the eastern end of Station Road. In a Conservation Area surely these spaces are of greater importance.

The development will adversely affect current residents while providing poor quality housing backing on to the East Coast Mainline.

I write to oppose the above planning application and ask you to kindly take into consideration the following observations when making your decision.

In granting permission for this development the parking situation in Station Road, which is already incredibly difficult, would be highly exacerbated. This narrow road is already, in effect, one way - cars are tightly parked on one side and use the verge opposite which belongs to the Highways. It appears on the plans that a path is planned on this verge...is there permission granted from Highways for this? If so there would be even less parking spaces for residents, not only from Station Road, but from the surrounding streets. This conservation area is notoriously horrendous for parking and, indeed, Station Road itself has a bad reputation in the town amongst drivers, with "head to head" confrontations and impasse the norm. I have witnessed the Police arriving to attend irate, aggressive drivers who will not reverse, claiming it is their right of way. I have also heard the Police telling the drivers that they will both be booked if one of them does not reverse, they are so fed up with the situation. Cars exiting from the development would find it very difficult as the road is too narrow to turn in one move.

The proposal for "tandem" parking on the site would be a safety issue in itself - the cars involved making manoeuvres onto the road in order to shift positions, whilst holding up traffic etc.....also there would inevitably be cars parked directly opposite the drives into the development.

The second point I urge you to consider is the unsuitability of the proposed site.

1. The front windows will look directly onto/into the houses on the opposite side of the road, being in close proximity, encroaching on privacy.

2. The back "yard" is far too small for a family garden, or any amenities. The plans show an "amenity decking area". In reality this would be a "shelf" supported by a railway sleeper which would not hold the bank up for long. The main gardens would not be sufficiently adequate for a family garden as in my opinion the measurements for the plot regarding amenity areas are grossly incorrect, indeed, as has been discovered on a previous application for this plot.

3. The site is in the shadow of the trees on the embankment, especially at the rear, throughout the year. This is the conservation area so there is a degree of protection afforded to these trees which have importantly contributed as an "acoustic barrier" for many years.

4. The site is adjacent to the busy Euston to Birmingham railway line & is extremely noisy.

Having lived here for many years I can assure you it has become busier & far noisier. The high-speed & freight trains are so deafening, it is impossible to continue a conversation if you happen to be standing in Station road when they pass. I invite you to visit & experience this crazy situation! Indeed, the resulting vibrations are heard & felt in my lounge as items on my narrow window cill rattle against the window! (and I am on the other side of Station road!) There does not appear to be any form of noise-barrier/acoustic wall on the plans...have there been noise-level readings? Residents would experience unacceptable noise especially when windows are opened & imagine not being able to talk unimpeded in your own garden...hardly conducive to wellbeing.

All of these points indicate the complete unsuitability of this site for development. It does not conform to the normal ideals of wellbeing & comfort in 2019....having little natural light & high levels of noise. Indeed, it appears to be a proposal solely for profit & having little or no regard further than that.

I urge you, most strongly & respectfully, to take into account the above when making your decision re this development

My previous objections to this plan still stand.

Noting the changes to the parking provision on this application, it does not address the issue of the public parking provision. The strip of land adjacent to the road is not wide enough for both a footpath and parking space. As shown, the parked vehicles will encroach on the already restricted road space.

This could easily be solved by having access to the front doors not via gates and footpath as shown, but by having the path inside the property boundary, with pedestrian access to the doors being via the parking spaces.

But given the strong objections raised already on this unsuitable and damaging development in our conservation area, I still urge the Council to reject this latest of a series of development plans.