

ITEM NUMBER: 5a (Part 1 of 2)

4/01866/18/FUL	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF FIVE 4 BEDROOM DETACHED DWELLINGS WITH ASSOCIATED LANDSCAPING AND ACCESS
Site Address	57 SOUTH PARK GARDENS, BERKHAMSTED, HP4 1HZ
Applicant	Mr & Mrs Fullagar, 57 South Park gardens
Case Officer	Jason Seed
Referral to Committee	Objection from Berkhamsted Town Council on the grounds of overdevelopment, impact on the character of the surrounding area, inadequate access, impact on surrounding amenity and impacts of noise on occupiers of the new dwellings.

Note to Members

1.1 The application was originally presented by the Case Officer to the Development Management Committee on 13th June 2019 and was deferred for the reasons detailed in paragraph 1.15 below. Amended proposal plans, Design and Access Statement and Railways Noise Survey and Assessment have been uploaded to the Council's website that provide the clarifications sought by the deferral.

1.2 For the avoidance of doubt, the documents received are titled as follows:

- Drg.HP4/1432 / P/001A (Survey)
- Drg.HP4/1432 / P/01rev K (Site Layout)
- P02 Rev H (Plot 1)
- P03 Rev H (Plot 2)
- P04 Rev H (Plot 3)
- P05 Rev H (Plot 4)
- P06 Rev H (Plot 5)
- P07 Rev H (Garages)
- P08 Rev H (Site Perspectives)
- Railway Noise and Vibration Survey and Assessment
- DLW/KH/7167/L4 dated 05/02/2020
- Planning, Design and Access Statement

1.3 The key points are as follows:

1. Additional garden dimensions have been added centrally to each dwelling's patio doors demonstrating in all instances a garden length greater than the minimum requirements of 11.5m.
2. The distances between the new plot 1 and the existing number 55 is also shown at 2m widening to 2.6m.

3. All separation distances between the proposed dwellings and the existing dwellings are shown to be substantially greater than the minimum standards of 23m
4. The proposed site entrance and access is supported by Hertfordshire Highways
5. The proposed site entrance and access is supported by Dacorum refuse and recycling collections and Building Control regarding access for a fire engine.
6. The proposed house designs have been improved to include smaller first floor windows and with redesigned first floors which all include integrated buffer walling systems within each dwelling which is bespoke to each plot based on its site orientation.
7. DBC's Lead Environmental Health Officer is in support to the proposed enhanced floor plans, wall constructions, glazing and mechanical heat recovery specifications. This will be controlled by Condition - see amended Planning Statement para 6.18
8. DBC's Lead Environmental Health Officer is in support to the proposed boundary and inter-plot acoustic fencing as designed in a coloured noise model by AIRO. This will be controlled by Condition - see amended Planning Statement para 6.19

1.4 The Case Officer report remains unchanged, although should the application be approved, the following conditions, recommended by the Council's Environmental Health Officer, would replace Condition 8 which is contained within the report:

Internal Noise Mitigation

No development (excluding demolition) shall take place until a scheme for protecting the development from railway noise has been submitted to and approved by the local planning authority. Such a scheme shall include details to suitably control external noise ingress in conjunction with adequate ventilation and mitigation of overheating. In particular this shall address how:

- **The ventilation strategy impacts on the acoustic conditions;**
- **The strategy for mitigating overheating impacts on the acoustic conditions.**

The scheme shall be compiled by appropriately experienced and competent persons. The approved scheme shall be implemented prior to first occupation and retained thereafter.

Reason: To ensure that the amenity of future occupiers is protected in accordance with Paragraph 170 of the National Planning Policy Framework.

External Noise Mitigation

To ensure protection of garden spaces from railway noise, the following mitigation measures shall form part of the development hereby approved:

- **Installation of a 2.5 metre high acoustic barrier parallel to the railway boundary;**

- Installation of 1.8 metre high fences along the north and south boundaries;
- To each plot a screened garden area consisting of a 3 metre high screen around garden areas extending out from each house, which comprises a 1 metre high brick wall (or equivalent material) with a 2 metre glass / Perspex transparent panel above.

Reason: To ensure that the amenity of future occupiers is protected in accordance with Paragraph 170 of the National Planning Policy Framework.

Minutes from Development Management Committee Thursday, 13th June, 2019

1.5 Councillor Beauchamp arrived at 19:19 and, therefore, did not participate or vote on Item 5a.

1.6 The Case Officer, Jason Seed, introduced the report to members and said that the application had been referred to committee due to objection from Berkhamsted Town Council on the grounds of overdevelopment, impact on the character of the surrounding area, inadequate access, impact on surrounding amenity and impacts of noise on occupiers of the new dwellings.

1.7 Martin Allen spoke in objection of the application.

1.8 Berkhamsted Town Councillor Anthony Armytage spoke in objection of the application.

1.9 Richard Farris and Krzys Lipinski spoke in support of the application.

1.10 It was proposed by Councillor Riddick and seconded by Councillor Birnie to **GRANT** the application in line with the officer's recommendation.

1.11 Vote: For: 3 Against: 5 Abstained: 1

1.12 Councillor Wyatt-Lowe noted that the recommendation falls and asked for a motion to **REFUSE**.

1.13 Councillor Wyatt-Lowe asked for grounds for **REFUSAL**.

1.14 It was instead proposed by Councillor Riddick and seconded by Councillor Birnie to **DEFER** the application to allow for further information regarding the acoustic fencing as well as clarification on measurements on garden depths. Vote:

1.15 For: 8 Against: 0 Abstained: 2

1.16 Resolved: That planning permission be **DEFERRED**.

2. Community Comments Received in Response to Final Consultation

2.1 Thirteen (13) objections from properties in South Park Gardens were received in response to the final consultation. These are provided in full below:

6 South Park Gardens, Berkhamsted, Hertfordshire HP4 1JA

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Conflict with local plan
- Inadequate access
- Increase in traffic
- Out of keeping with character of area
- Over development
- Traffic or Highways

Comments: 16th March 2020

RE: 4/01866/18/FUL

Demolition and construction of 5 Houses at 57 South Park Gardens

I am writing again to object strongly to this planning application on the following grounds:

1. The application site falls within a locally designated character area 'Castle Hill Berkhamsted character area 13 (BCA 13). This is described in the area-based policies (adopted as supplementary planning guidance) as very low density post war estate featuring strong building lines and uniform spacing between buildings. It is classed as an area of minimal change where there will be limited opportunities for infilling but where redevelopment will not be permitted.

2. I am of the opinion that the proposed development would cause significant harm to the character and appearance of the area in contravention of core strategy policies - CS11 and CS12 & local planning policy 10 and the council's area based policies supplementary planning guidance, as well as contravening national policy planning policy as set out in the framework.

- Policy CS 11 of the adopted core strategy seeks to ensure that redevelopment respects the typical density spacing and general character of settlements and neighbourhoods, preserves attractive streetscapes and avoids large areas dominated by car parking.

- Policy CS 12 requires development to integrate with the streetscape character and respect adjoining properties in terms of such matters such as layout, site coverage, landscape and amenity space.

- Saved Local Plan Policy 10 stresses the need to take account of such matters as the character of the area and surrounding land uses.

- Although Saved Local Plan Policy 21 promotes the efficient use of land, development will not be permitted if it would adversely affect the amenity and/or existing character of the surrounding area.

3. The established local street pattern is dominated by deep frontages and houses set in long garden plots. Conversely the proposed redevelopment of 57 South Park gardens lacks frontage depth (especially on plot one) and sets the dwellings in relatively shallow garden plots. The Crescent shaped cul-de-sac this would create bears no relationship whatsoever to the traditional linear form of the surrounding Street pattern and creates an island of high-density urban housing within the locally distinctive and low density suburban surroundings. In summary the proposal fails to conserve the defining characteristics of the local character of the area and is in direct contravention of BCA 13.

4. In design terms the open plan layout of proposal contrasts poorly with the traditional form and layout of existing houses/plots. It suffers from an excess of hard surface car parking which results in poor quality frontage of the new houses. Due to the tapering shape of the site the proposed dwelling on plot 1 is tightly positioned into the corner of the plot in a cramped and contrived manner and is too close to the neighbouring property at no. 55.

5. Overall this form of secondary Cul-de-Sac development is fundamentally opposed to the established street pattern which has remarkably little infilling or subdivision the area based policies clearly seek to preserve this locally distinctive characteristic otherwise it would not be so clearly stated in the supplementary planning guidance that redevelopment will not be permitted within BCA 13. Approval will be in direct conflict with this policy and would undermine the established Street pattern and would make it difficult for the council to resist similar forms of redevelopment in the future.

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

7. We have further concerns in relation to highway safety that the proposal would intensify the use of existing substandard highway within South Park gardens which is limited to as little as 3.1 meters (shown as 3.5M on architects plan!) in the immediately joining sections of the carriage way. The proposal would therefore increase the danger to vehicle traffic, pedestrians and other road users to the detriment of highway safety and contrary to the requirements of core strategy policy CS12 and local plan policies 51 and 54 (that these require the provision of safe and satisfactory means of access to the new development)

8. We have concerns about the proximity of the site to the adjoining West Coast mainline railway. It seems to us that this would expose potential future occupiers to the proposed development to an unreasonable risk in the event of a derailment or other accident. Another further concern is also the noise levels whilst significant specialist sound insulation an associated ventilation would be required to achieve acceptable noise levels internally the new provisions of an effective acoustic barrier would not mitigate the noise levels due to the height of the railway line above the

gardens. The main amendment to the planning application (items 6.18 and 6.19) of the design and access statement and the inclusion of a sound report which comments on the effect of the proposed acoustic fencing. This report refers to 'external noise levels are an existing situation which affect the existing garden and gardens of neighbouring properties'. The report does not clarify that a number of the proposed properties are within 10/11 meters of the railway boundary whilst existing properties are much further away from the railway. Furthermore the railway is elevated approximately 3 metres above the proposed gardens which will render the proposed acoustic barriers ineffective - the report is misleading.

9. Section 5.7 of the design and access statement identifies the aim of planning policies and decisions to ensure the developments

- function well and add to the overall quality of the area
 - establish a strong sense of space
 - create safe and accessible environments
 - respond to local character
 - are visually attractive as a result of good architecture and appropriate landscape
- This development's design does not answer any of these requirements satisfactorily.

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

12 South Park Gardens, Berkhamsted, Hertfordshire HP4 1JA

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Development too high
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Out of keeping with character of area
- Traffic or Highways

Comments: The revised application does not address the main problem: over development of a small site. The parking is inadequate, and will invariably lead to parking on the green area in front of the development, which is there for the benefit of all the residents in the gardens.

The density of the development means there will be an inevitable increase in the traffic and noise in the road.

16 South Park Gardens, Berkhamsted, Hertfordshire HP4 1JA

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Conflict with local plan
- Inadequate access
- Loss of privacy
- Out of keeping with character of area
- Over development

Comments: We are the occupiers of 16 South Park Gardens and would like to raise objection to the above planning application for the demolition of the existing buildings and construction of five 4-bedroom detached dwellings with associated landscaping and access.

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

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

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

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

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

The well-established local street pattern is dominated by deep frontages and dwellings set in long garden plots. Conversely, the proposed redevelopment of 57 South Park Gardens lacks comparable frontage depth, particularly on Plot 1, and sets the

dwellings in relatively shallow garden plots. The crescent shaped cul-de-sac this would create bears no relationship whatsoever to the traditional linear form of the surrounding street pattern and effectively creates an island of relatively high density urban housing within the locally distinctive and relatively low density suburban surroundings. In short, the proposal singularly fails to conserve the defining characteristics of the local character area.

In design terms, the open plan layout of the proposal contrasts poorly with the traditional form and layout of existing surrounding dwellings, whereby there is clear visual separation between dwellings and clear physical demarcation between building plots. The layout of the proposal also suffers from an excess of hard surfaced car parking, which results in a poor quality frontage dominated by car parking. Due to the tapering shape of the site, the proposed dwelling on Plot 1 is tightly positioned into the corner of the plot in a cramped and highly contrived manner, reinforcing the undesirable impression of town cramming.

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

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

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

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

In all these respects, the proposal conflicts with Core Strategy Policy CS12 and Local Plan Policy 21. Neither does the proposal satisfy the requirements of the National

Planning Policy Framework, which makes it clear that a good standard of amenity should always be secured for existing and future occupiers of land and buildings.

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

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

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

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

21 South Park Gardens, Berkhamsted, Hertfordshire HP4 1JA

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Conflict with local plan
- Inadequate access
- Increase in traffic
- Out of keeping with character of area
- Over development

Comments: I am writing again to object strongly to this planning application on the following grounds:

- It falls within a locally designated character area 'Castle Hill Berkhamsted character area 13 (BCA 13). This is described in the area-based policies (adopted as supplementary planning guidance) as very low density post war estate featuring strong building lines and uniform spacing between buildings. It is classed as an area of minimal change where there will be limited opportunities for infilling but where redevelopment will not be permitted. The proposed development would cause significant harm to the character and appearance of the area in contravention of core strategy policies - CS11 and CS12 & local planning policy 10 and the council's area

based policies supplementary planning guidance, as well as contravening national policy planning policy as set out in the framework.

- Policy CS 11 of the adopted core strategy seeks to ensure that redevelopment respects the typical density spacing and general character of settlements and neighbourhoods, preserves attractive streetscapes and avoids large areas dominated by car parking.

- Policy CS 12 requires development to integrate with the streetscape character and respect adjoining properties in terms of such matters such as layout, site coverage, landscape and amenity space.

- Saved Local Plan Policy 10 stresses the need to take account of such matters as the character of the area and surrounding land uses.

- Although Saved Local Plan Policy 21 promotes the efficient use of land, development will not be permitted if it would adversely affect the amenity and/or existing character of the surrounding area. The established local street pattern is dominated by deep frontages and houses set in long garden plots. Conversely the proposed redevelopment of 57 South Park gardens lacks frontage depth (especially on plot one) and sets the dwellings in relatively shallow garden plots.

- The proposed cul-de-sac bears no relationship whatsoever to the traditional linear form of the surrounding street pattern and creates an island of high-density urban housing within the locally distinctive and low density suburban surroundings.

In summary the proposal fails to conserve the defining characteristics of the local character of the area and is in direct contravention of BCA 13.

In design terms the open plan layout of proposal contrasts poorly with the traditional form and layout of existing houses/plots.

- It suffers from an excess of hard surface car parking which results in poor quality frontage of the new houses.

- Due to the tapering shape of the site the proposed dwelling on plot 1 is tightly positioned into the corner of the plot in a cramped and contrived manner and is too close to the neighbouring property at no. 55.

Overall this form of secondary Cul-de-Sac development is opposed to the established street pattern which has remarkably little infilling or subdivision that the area based policies clearly seek to preserve. Approval will be in direct conflict with policy BCA 13 and would undermine the established Street pattern and would make it difficult for the council to resist similar forms of redevelopment in the future.

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

We have further concerns in relation to highway safety that the proposal would intensify the use of existing substandard highway within South Park gardens which is limited to as little as 3.1 meters (shown as 3.5M on plan) in the immediately joining sections of the carriage way. The proposal would therefore increase the danger to vehicle traffic, pedestrians and other road users to the detriment of highway safety and contrary to the requirements of core strategy policy CS12 and local plan policies 51 and 54 (that these require the provision of safe and satisfactory means of access to the new development)

We have concerns about the proximity of the site to the adjoining West Coast mainline railway as this would expose potential future occupiers to the proposed development to an unreasonable risk in the event of a derailment or other accident.

Another further concern is also the noise levels whilst significant specialist sound insulation and associated ventilation would be required to achieve acceptable noise levels internally the new provisions of an effective acoustic barrier would not mitigate the noise levels due to the height of the railway line above the gardens. The main amendment to the planning application (items 6.18 and 6.19) of the design and access statement and the inclusion of a sound report which comments on the effect of the proposed acoustic fencing. This report refers to 'external noise levels are an existing situation which affect the existing garden and gardens of neighbouring properties'. The report does not clarify that a number of the proposed properties are within 10/11 meters of the railway boundary whilst existing properties are much further away from the railway. Further the railway is elevated approximately 3 metres above the proposed gardens which will render the proposed acoustic barriers ineffective - the report is misleading.

It is our view that the proposed development would lead to gross overdevelopment of this relatively small and constrained site causing severe and substantial harm to the character appearance and amenities of the local area in clear contravention of adopted development plan and national planning policies as outlined in this letter.

25 South Park Gardens, Berkhamsted, Hertfordshire HP4 1JA

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Other - give details
- Out of keeping with character of area
- Traffic or Highways

Comments: the proposed development has a very narrow access to the properties at the rear of the development . If each proposed new property has 2 vehicles each then I am concerned that the access will regularly overs-spill into the main road of SPG (rather than the access road near the open space). Any visitors and deliveries

will like wise add extra parked vehicles to what is already quite a dangerous corner in SPG. There already are frequent occasions when vehicles coming from opposite directions around the corner on the main road outside No,57 cause a danger to pedestrians and cyclists.

The proposed development is quite out of character to the rest of the current buildings in SPG - they will be tightly packed with very little land.

I am also concerned that the proposed development will result in poor quality drainage due to their location at the foot of the slope and removal of what is currently drain away area. Once this is built upon and paved over for parking purposed then the flood potential will be much more significant.

28 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- More open space needed on development
- Out of keeping with character of area
- Over development
- Strain on existing community facilities
- Traffic or Highways

Comments: The revised plans do not address any of the previous objections raised to the proposed redevelopment.

To be clear, the three key points of objection are that the development is out of character with the surrounding area, and is not permitted under the terms of the Designated Character Area 13; that the existing roads cannot support the development; and that the revised plans do not address the previously raised concerns over noise levels.

1) The proposed development is out of character with the surrounding area.

The application falls within a locally designated character area, Castle Hill, Berkhamsted Character Area 13. Key points are: (a) very low-density housing; (b) strong building lines and largely uniform space between buildings. South Park Gardens is characterised by houses with deep frontages and long gardens.

The proposed development has minimal frontage depth and shallow gardens. It would create an area of relatively high density housing. In summary, the proposed developments are the antithesis of the local character area.

2) The highways of South Park Gardens cannot support the new development
The plans inaccurately depict the local roads. South Park Gardens currently has a sub-standard highway (3.1m in places (as measured locally) rather than the 3.5m depicted in the plans). The proposed new development would increase traffic and on-street parking, both of which would increase danger to pedestrians and vehicles. In particular, access to the proposed development would be through the single track road to the rear of the garden triangle, which is hopelessly inadequate for the traffic generated by five new multi-car properties.

The proposed development is therefore contrary to Core Strategy Policy CS12 and Local Plan Policies 51 and 54, as these require safe and satisfactory means of access to a new development.

3) The proposed new dwellings would be exposed to excessive railway noise
We note that the revised proposals include a sound report which comments on the effect of the proposed acoustic fencing. It notes that existing noise affects other gardens on the street. While true, this is disingenuous. The issue is with the fact that a number of the proposed dwellings are within 12 meters of the railway boundary; all existing dwellings on the street are far further away. We would also note that the railway itself is elevated 3 meters above the proposed new dwellings. This will clearly render the barriers ineffective. In summary, the report is irrelevant at best and misleading at worst.

30 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Conflict with local plan
- Development too high
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Information missing from plans
- Not enough info given on application
- Other - give details
- Out of keeping with character of area
- Over development
- Traffic or Highways

Comments: Main objections are plans are deliberately misleading.

1) Access road to site is only 3.1m wide which has no pavement & surrounds a green play area (Measurement on plan lists 4.5m access which is probably main road & 3.1m Access road shown on plan with line down the middle to mislead it's a 2 lane road).

2) Proposed acoustic 3m fence not showing train track is on a raised embankment so will have no effect as trains will be above it.

3) Plans showing all houses over legal minimum distance from train tracks but measurements all misleading as measured from the angles houses are set at & not the correct distance from the Track.

All the houses currently are equally spaced on South Park Gardens, have large/front & rear gardens with adequate off street parking for all that live in them & visit.

32 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

1. The following objections to the above planning proposal is made on behalf of many of the residents of South Park Gardens in consultation with Humphreys & Co.

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

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

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

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

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

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

8. In design terms, the open plan layout of the proposal contrasts poorly with the traditional form and layout of existing surrounding dwellings, whereby there is clear visual separation between dwellings and clear physical demarcation between building plots. The layout of the proposal also suffers from an excess of hard surfaced car parking, which results in a poor quality frontage dominated by car parking. Due to the tapering shape of the site, the proposed dwelling on Plot 1 is tightly positioned into the corner of the plot in a cramped and highly contrived manner, reinforcing the undesirable impression of town cramming.

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

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

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

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

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

14. We have further concerns in relation to highway safety. In particular, we are concerned that the proposal would intensify the use of the existing sub-standard

highway within South Park Gardens, which is limited to as little as 3.1m in width (as measured on site, shown incorrectly as 3.5m on the plans) along immediately adjoining sections of the carriageway. The proposal would therefore increase the danger to vehicular, pedestrian and other road users, to the detriment of highway safety and contrary to the requirements of Core Strategy Policy CS12 and Local Plan Policies 51 and 54, insofar as these require the provision of a safe and satisfactory means of access to new development.

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

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

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

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

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

55 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Affect local ecology
- Close to adjoining properties
- Development too high
- General dislike of proposal

- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of light
- Loss of parking
- Loss of privacy
- Out of keeping with character of area
- Over development
- Residential amenity
- Strain on existing community facilities
- Traffic or Highways

Comments: I firmly object to the proposed over development. To build 5 detached houses in the back garden of 57 South Park Gardens undermines the aims of Dacorum planning policies.

It really does not enhance the quality of the area. 5 houses in this small space is over crowded and is an over development particularly compared to the existing density currently in SPG. Access to the site is unsafe owing to the 3m width of the road around the grass common which was designed for existing dwellings. The over development is utterly out of character with the rest of SPG. The proposed houses are incredibly close to the railway line (within 10 to 11m). I live at no.55 immediately next door and the railway is close enough! It is very noisy even now at my distance away approx 50m from the railway. The proposed fence will NOT be effective in adequately reducing the noise from the railway as the railway is much higher than the gardens, this seems illogical!?. This is not mentioned in the acoustic report. Due to the railway being much higher than the proposed gardens the residents in the proposed houses will be exposed to pollution caused by brake dust from trains slowing down the station. This will hugely increase risk of asthma and other respiratory illness. The proposal is detrimental to the amenity of the other residents within SPG. There is no pavement access to the development which has a blind entrance owing to the change in elevation. This will be particularly dangerous for children walking to school or playing on the green. There is a vast amount of opposition to this proposal the majority of the streets residents who will be greatly affected by this. I really do hope the councilors decline/deny this application on the above reasoning.

59 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Conflict with local plan
- Development too high
- General dislike of proposal
- Inadequate access
- Increase in traffic
- Increase of pollution

- Information missing from plans
- Loss of privacy
- Out of keeping with character of area

Comments: A summary of our main objections are as Follows.

1 Density - This has been everyones main complaint from the start - Residents and Town Council alike

CS11 requires Density of 15 pha. this is at 19.23.. at 15 this would be 3 houses which would be much more acceptable.

This development is pure Garden Grabbing for personal gain at the expense of current residents of the road.

Whilst we all appreciate the need for more housing in the town and the Planning Policy is to make use of Urban Land, This is and can be achieved on sites like Bearoc park etc NOT cramming 5 units into a small Residential Garden.

2 . Access - The current Access is for 6 properties at both ends of SPG and not designed for 4 more houses. It is stated in the Report the development is to be served by a 2 way 4.8m road. Whilst this is correct nowhere does this take into account that to get to this road is via a one car width 3.1 m road ! (not 3.5 as stated on the drawings !). This is all very misleading and I am very surprised Highways have approved this when looked at as a whole and not the site in isolation. We have never been privy to this report.

Also due to the narrowness and geographical layout of this road the access for Refuse Vehicles and Emergency Services is greatly restricted already without the additional impact of a further 12 possible car movements.

3 Noise - The Requirements of planning require 11.5 m gardens as a minimum. Plots 3 / 4 fall woefully short of this. And put the houses extremely close to the Railways line.

These are meant to be Family houses but as pointed out in the Noise report the Upper guidance for noise is 55db. The site is at 67db so falls woefully short. The noise for families in the gardens would be intolerable. And whilst additional glazing etc in the house is proposed residents would never be able to any windows open.

The Acoustic fence is noted at 3m BUT should be 5 m as required . Though we wonder where this is to be sited ? if at bottom of railway embankment will offer no reduction at all if 3m high.

4 Design - Whilst the designs are not in keeping with the majority of the Street scene of Chalet style houses the big issue is overlooking from 1st floor Bedroom Windows, Plots 2 / 3 / 4 / 5 all have direct views over the garden and rear of no 59 whilst Plot 1 looks directly into no 55 garden. So complete invasion of current private amenity space has been compromised.

61 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- General dislike of proposal
- Inadequate access
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Out of keeping with character of area
- Over development

Comments: I wish to object to the above application 4/01866/18/FUL 57 South Park Gardens Berkhamsted HP4 1HZ.

The revised application does not change anything apart from small details.

The proposal is completely out of character with the area and represents a big over development of the site which has very restricted access via a single track road, which does not have a footpath. The increased volume of traffic will be a distinct hazard to pedestrians particularly those with children.

The proposed dwellings are very close to the intensively utilised main West Coast railway line and the proposed 3m noise barrier will be largely ineffective as the railway track is on an substantial embankment at that point.

The Application Design and Access Statement Clause 2.2 in part refers to:-
"An extensive tree screen is situated on the rear boundary with the railway line"

This seems no longer to be the case.

63 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Development too high
- Inadequate access
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Noise nuisance
- Out of keeping with character of area
- Over development
- Residential amenity
- Strain on existing community facilities
- Traffic or Highways

Comments: I strongly object to the proposed over development. To build 5 detached houses in the back garden of 57 South Park Gardens undermines the aims of Dacorum planning policies.

It certainly does not enhance the quality of the area.

5 houses in this small space is very crowded and is an over development particularly compared to the existing density.

Access is unsafe owing to the 3m width of the road around the green which was designed for existing dwellings.

The over development is totally out of character with the rest of South Park Gardens.

The proposed houses are extremely close to the railway line some within 10 to 11m. This is much closer than any of the existing houses which are approximately 50m from the railway.

The proposed fence will not be effective in adequately reducing the noise from the railway as the railway is much higher than the gardens. This is something the acoustic report does not appear to take into account.

As the railway is much higher than the proposed gardens the occupants within the gardens will be exposed to pollution caused by brake dust from trains slowing down for Berkhamsted Station. This will particularly affect children who will be liable to a greatly increased risk of asthma and other respiratory illness.

The proposal is harmful to the amenity of the other residents within South Park Gardens.

There is no pavement access to the proposed development which has a blind entrance owing to the change in elevation. This will be particularly dangerous for children walking to school or playing on the green.

There is an overwhelming groundswell of opposition to this scheme from the vast majority of the other residents who will be greatly affected by this.

I urge the councilors to refuse this application on the above grounds.

65 South Park Gardens, Berkhamsted, Hertfordshire HP4 1HZ

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Close to adjoining properties
- Conflict with local plan
- General dislike of proposal
- Inadequate access
- Increase in traffic
- Increase of pollution

- Out of keeping with character of area
- Over development
- Strain on existing community facilities

Comments: The objections to this marginally revised scheme are as for the initial proposals, and as have been widely voiced by the numerous previous and reiterated objections.

It is a very significant over-development of the site, completely out of character with the remainder of South Park Gardens.

As others have noted the small single lane "roadway" that runs around the small green is not sufficient to accommodate a significant increase in traffic.

The front garden to No 59 will have an immediately adjacent roadway to the south side; drawing a few trees/ shrubs on the "proposed" plan does not alleviate this. Immediately adjacent traffic will be extremely detrimental to No 59, possibly even causing physical damage to the property.

The front gardens to 55 and 59 will invariably be constantly damaged by vehicles turning from the existing "roadway" into the new roadway. No doubt the developer is already heavily invested in this scheme; frankly that is their choice and their problem. If approved this scheme will leave a permanent detrimental legacy in South Park Gardens. The scheme should be rejected.

3. Berkhamsted Town Council / Technical Comments in Response to Final Consultation

Berkhamsted Town Council

This application has twice been deferred at Development Management in June and July 2019 for further consideration of measures to address noise as site is adjacent to the railway line.

Abstract from comments to earlier application: The Committee emphasised that the Noise Report supports its view that the noise in the rear gardens would be excessive and very large acoustic fences would need to be erected as a result.

This is the same application previously objected to by BTC but updated with further acoustic studies and with proposals for acoustic walls to reduce noise levels – including in gardens. Councillors remain sceptical that the proposed acoustic walls will reduce noise levels to overcome concerns.

BTC has previously objected on grounds of over development and out of character with Character Area, as well as noise issues. Development Management had not commented on these aspects before the application plan was deferred. Noted that the density, orientation and spacing of the dwellings broadly comply with Policies.

Noted that drawings show no footways from the access point [and these are to be family homes] hence on safety grounds.

Objection. CS12 a)

Affinity Water Received 05/03/2020

Re-iteration of previous comments as reported.

Environmental Health Technical Officer (Contamination) Received 12/03/2020

Re-iteration of previous comments as reported. No change to conditions.

Cupid Green Depot Received 06/03/2020

Each house should have sufficient space to store 3 x wheeled bins and a food caddy with a similar space outside the boundary to present the waste on collection day. The collection vehicles are 26t rigid freighters (approx 11m x 3m) with limited manoeuvrability and will require suitable access.

Lead Environmental Health Officer Received 16/03/2020

I've put forward 2 conditions, one for internal noise and one for external noise.

On the internal noise aspect I am referring to additional guidance which captures noise and overheating (AVO guide). For the scenario based on noise levels it is recommended that opening windows are not considered appropriate even for limited durations of use. Still openable for rapid dilution of smells / water vapour / VOCs, but mech cooling to manage thermal comfort. The AIRO report contains suggestive measures how enhanced construction may be achieved, so what I have done is for a mitigation scheme to come forward prior to commencement to finalise this.

With the garden I have been more specific to reference measures suggested. Plans will need to be appropriately referenced to note dimensions and locations (see bullets 1 - 3).

Internal noise mitigation

No development shall take place until a scheme for protecting the development from railway noise has been submitted to and approved by the local planning authority. Such a scheme shall include details to suitably control external noise ingress in conjunction with adequate ventilation and mitigation of overheating. In particular this shall address how:

- The ventilation strategy impacts on the acoustic conditions
- The strategy for mitigating overheating impacts on the acoustic conditions

The scheme shall be compiled by appropriately experienced and competent persons. The approved scheme shall be implemented prior to first occupation and retained thereafter.

External noise mitigation

To ensure protection of garden spaces from railway noise, the following mitigation measures shall form part of the development hereby approved:

- Installation of a 2.5 metre high acoustic barrier parallel to the railway boundary
- Installation of 1.8 metre high fences along the north and south boundaries
- To each plot a screened garden area consisting of a 3 metre high screen around garden areas extending out from each house, which comprises a 1 metre high brick wall (or equivalent material) with a 2 metre glass / Perspex transparent panel above.

The above measures shall be implemented in accordance with the approved plans, prior to first occupation and retained thereafter.

Growth and Infrastructure Officer Received 04/03/2020

Re-iteration of previous comments as reported.

Highway Authority Received 16/03/2020

The highway authority's response is same as before. The proposed amendments has no implication on highway matters.

Thames Water Received 09/03/2020

Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to

demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

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

Supplementary Comments

There are easements and wayleaves running through the site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development. On the Map yellow dashed lines show the easements and wayleaves and the proposed development area is identified by a red outlined box.

The applicant should contact Thames Water to discuss their proposed development in more detail. All enquiries from developers in relation to proposed developments should be made to Thames Waters Developer Services team. Their contact details are as follows:

Thames Water Developer Services
Reading Mail Room
Rose Kiln Court
Rose Kiln Lane
Reading
RG2 0BY
Tel: 0800 009 3921
Email: developer.services@thameswater.co.uk