

**ITEM NUMBER: 5d**

<b>20/01403/ROC</b>	<b>Variation of Conditions 2 (Approved Plans) 3 (Landscape works) 5 (Fire Hydrants) attached to planning permission 19/02793/ROC (Variation of Condition 2 (approved plans) attached to planning permission 4/01684/18/FUL (construction of two detached houses) providing for the re-siting of the forward projection of Plot 1 to the north-west and minor alterations to the fenestration of both Plot 1 and Plot 2.)</b>	
<b>Site Address:</b>	<b>Land To Rear Of 7 And 9 Anglefield Road Berkhamsted Hertfordshire HP4 3JA</b>	
<b>Applicant/Agent:</b>	<b>Matfin and Edwin</b>	<b>Mr Adrian Bussetil</b>
<b>Case Officer:</b>	<b>Martin Stickley</b>	
<b>Parish/Ward:</b>	<b>Berkhamsted Town Council</b>	<b>Berkhamsted West</b>
<b>Referral to Committee:</b>	<b>Objection from Berkhamsted Town Council</b>	

**1. RECOMMENDATION**

- 1.1 That the variation of the approved plans be granted.

**2. SUMMARY**

- 2.1 Planning permission was previously granted for the construction of two detached houses at the land to the rear of Nos. 7 and 9 Anglefield Road, Berkhamsted. The approved plans were previously varied under application 19/02793/ROC. These variations provided the re-siting of the forward projection of Plot 1 to the north-west and minor alterations to the fenestration of both Plots 1 and 2.
- 2.2 The current proposal would involve the variation of three conditions relating to application 19/02793/ROC. In essence, these conditions relate to: (a) the retention of the existing gravel shared driveway as opposed to a hard surface bonded resin driveway; (b) installation of domestic sprinklers rather than fire hydrants; and (c) the alteration of the proposed landscaping works.
- 2.3 The alteration of the driveway surface is a topic of concern for the neighbours, as it was a negotiation point relating to the original application in 2018. However, it is considered that the retention of the existing gravel surface would be more sustainable and would have a lesser impact on the surrounding trees.

**3. SITE DESCRIPTION**

- 3.1 The application site comprises land to the rear of Nos. 7 and 9 Anglefield Road within the residential area of Berkhamsted. There is a tree to the south of the site which is covered by a Tree Preservation Order (TPO).

**4. PROPOSAL**

- 4.1 Permission is sought for the variation of Conditions 2 (Approved Plans), 3 (Landscape Works) and 5 (Fire Hydrants) attached to planning permission 19/02793/ROC (Variation of Condition 2 (Approved Plans) attached to planning permission 4/01684/18/FUL (Construction of two detached houses) providing for the re-siting of the forward projection of Plot 1 to the north-west and minor alterations to the fenestration of both Plot 1 and Plot 2.).

**5. PLANNING HISTORY**

#### Planning Applications (If Any):

19/02793/ROC - Variation of Condition 2 (approved plans) attached to planning permission 4/01684/18/FUL (construction of two detached houses) providing for the re-siting of the forward projection of Plot 1 to the north-west and minor alterations to the fenestration of both Plot 1 and Plot 2.

*GRA - 24th January 2020*

4/01684/18/FUL - Construction of two detached houses

*GRA - 13th September 2018*

4/01301/17/FHA - Two storey side and single storey rear extensions. new front entrance porch following removal of single storey wing, garage and Conservatory.

*GRA - 4th August 2017*

4/01055/03/FHA - Loft conversion with side dormer and rear gable

*GRA - 27th June 2003*

4/00850/00/FHA - Conservatory

*GRA - 5th July 2000*

#### Appeals (If Any):

### **6. CONSTRAINTS**

CIL Zone: CIL1

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Red (10.7m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)

SPD Zone 3

EA Source Protection Zone: 2

EA Source Protection Zone: 3

Town: Berkhamsted

T1 English Oak

T2 Hornbeam

T3 Common Ash

### **7. REPRESENTATIONS**

#### Consultation responses

7.1 These are reproduced in full at Appendix A.

#### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

### **8. PLANNING POLICIES**

National Planning Policy Framework

Section 2 - Achieving sustainable development

Section 8 - Promoting healthy and safe communities

## Section 12 - Achieving well-designed places

### Dacorum Borough Core Strategy

CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Soil and Water Quality

### Dacorum Borough Local Plan (Saved Policies)

Policy 51 - Development and Transport Impacts  
Policy 57 - Provision and Management of Parking  
Policy 58 - Private Parking Provision  
Policy 99 - Preservation of Trees, Hedgerows and Woodlands  
Policy 129 - Storage and Recycling of Waste on Development Sites  
Appendix 1 - Sustainability Checklist

## **9. PROCEDURAL MATTERS**

- 9.1 An application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and un-amended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.
- 9.2 On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 9.3 It is within this legislative framework that the application is to be considered.

## **10. CONSIDERATIONS**

### Main Issues

- 10.1 The main issues to consider are:
- 10.2 The scope of the requested amendments and their impact on visual amenity, residential amenity, highway safety, trees and sustainability.

### Requested Amendments

- 10.3 As noted within the Proposed Development section, the application seeks an amendment to planning application reference: 19/02793/ROC. More specifically, the amendments are to the following planning conditions:

- Condition 2 (Approved Plans)
- Condition 3 (Landscape Works)
- Condition 5 (Fire Hydrants)

10.4 A summary of each of the proposed changes is provided below.

***Condition 2 – Approved Plans***

10.5 The plans and documents approved under application reference: 19/02793/ROC were as follows:

- 17/119/101B – Proposed Block Plan
- 17/119/201B – Proposed Block Plan, Street Scene and Location Plan
- *Please note that the drawing above should be referenced 17/119/102B – there was an error on decision notice.*
- 17/118/1G – Proposed Plans, Elevations and Sections
- 17/119/1G – Proposed Plans, Elevations and Sections
- Arboricultural Report (no date) (application reference: 4/01684/18/FUL)
- DS31101501.03 – Tree Protection Plan (application reference: 4/01684/18/FUL)
- Site Management Plan (application reference: 4/01684/18/FUL)
- CS29 Checklist (application reference: 4/01684/18/FUL)

10.6 The condition is proposed to be changed to the following:

- 17/119/101D – Proposed Block Plan
- 17/119/102D – Proposed Block Plan, Street Scene and Location Plan
- 17/119/103 – Proposed Block Plan – First Floor Plot 2
- 17/118/1G – Proposed Plans, Elevations and Sections
- 17/119/1G – Proposed Plans, Elevations and Sections
- Arboricultural Report (application reference: 4/01684/18/FUL)
- DS31101501.03-A – Tree Protection Plan dated 19.05.2020
- Site Management Plan dated 06.04.2020
- CS29 Checklist (application reference: 4/01684/18/FUL)
- Hard and Soft Landscape Scheme

10.7 In summary, the following is proposed:

- Replace 17/119/101B with 17/119/101D;
- Replace 17/119/102B with 17/119/102D;
- Addition of 17/119/103;
- Replace the approved Site Management Plan with new revision;
- Replace the Tree Protection Plan with new revision;
- Inclusion of proposed Hard and Soft Landscaping Scheme.

***Replacement and Addition of Plans***

10.8 Garden sheds have been added in accordance with landscaping scheme and a note has been removed from the drawing regarding the surfacing material. The existing gravel driveway is now to be retained, maintained and repaired as may be required in accordance with the revised Site Management Plan. Dacorum's Conservation and Design Department have confirmed that they have no concerns with the retention of the gravel surface in terms of visual amenity.

- 10.9 The drawing has subsequently been updated to show the now extended footprint of 15 Anglefield Road as per approved drawing under application 4/01824/16/FHA.

#### *Replacement of Site Management Plan (SMP)*

- 10.10 The revised site plan has been submitted following a change of ownership at the site. The previous applicant had suggested replacing the existing roadway with tarmac topped with resin bonded gravel.
- 10.11 The revised SMP covers the following topics: access, deliveries, road cleaning/vehicle cleaning, dust, cleanliness, removal and disposal of waste, services, and welfare. The revised SMP is broadly the same as the previous but with the variation of the drive surfacing material. Hertfordshire County Council acting as the Highway Authority have raised no objection to the revised SMP or re-use of the gravel surface.

#### *Replacement of Tree Protection Plan*

- 10.12 The tree protection plan is unaltered in all aspect other than the note relating to the existing access road as follows:
- 10.13 From: Existing gravel surface on driveway along The Oaks shall be removed and replaced with a solid permeable surface such as permeable tarmac or resin-bonded gravel. There shall be no excavation below the sub-base of the existing driveway during this process
- 10.14 To: The existing driveway shall be used as ground protection during the construction process. In the event that it begins to break up, proprietary ground protection sheets shall be used. There shall strictly be no excavation below the sub-base of the existing driveway at any stage.
- 10.15 Dacorum's Trees and Woodlands Department (T&W) have raised no objection to the revised Tree Protection Plan and highlighted that the areas of protective fencing and ground boards would comply with the British Standard. T&W requested some further alterations to the proposed planting scheme but following further dialog with the Applicant an agreement was reached (see full correspondence in Appendix A).

#### *Inclusion of Proposed Landscaping Plan*

- 10.16 The proposed Hard and Soft Landscaping scheme provides detail on the hard surfacing materials e.g. paving, patios and paths, means of enclosure and soft landscaping details e.g. planting plans, trees to be retained, finished levels or contours, etc. The proposed layout, design and materials used in the landscaping scheme are considered acceptable and are felt to provide a high quality aesthetic and living environment in accordance with Policy CS12. Both Dacorum's Trees and Woodlands Team and Conservation and Design Department have reviewed the document and raised no objections in this regard.

#### **Condition 3 (Landscape Works)**

- 10.17 Condition 3 attached to planning application reference: 19/02793/ROC required the submission and approval of hard and soft landscaping details prior to development (excluding demolition). The condition also required the approved landscaped works to be carried out prior to the first occupation of the approved development.
- 10.18 The applicant proposes the following variation to Condition 3 (in italics): *"The approved hard and soft landscaping details shall be carried out prior to the first occupation of the*

*development hereby permitted.*” Given the conclusions reached within the previous section of this report and the prior submission of the landscaping details, it is considered that subject to some minor alterations to the above wording, the proposed variation is acceptable.

### **Condition 5 (Fire Hydrants)**

- 10.19 The condition as originally imposed on the decision notice for application reference: was as follows (in italics):
- 10.20 *“No development (excluding groundworks) shall take place until details of fire hydrants or other measures to protect the development from fire have been submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details.*
- 10.21 *Reason: To ensure that sufficient strategic infrastructure is provided to support the development in accordance with Policy CS35 of the Core Strategy.”*
- 10.22 The condition was originally requested by Hertfordshire Fire and Rescue (HF&R) in response to consultation in respect of application reference: 04/01684/18/FUL and has been added to subsequent variation approvals.
- 10.23 The applicant has proposed the following variation (in italics):
- 10.24 *“In order to protect the development hereby permitted from fire it shall not be occupied until it a domestic sprinkler system has been installed in ordinance with Approved Document B.”*
- 10.25 HF&R have been consulted on the proposed variation. They stated that it appears that firefighter access would not be adequate as they would not be able to squeeze an appliance down the path to where the proposed dwellings will be, and would therefore be parked further than 45m away from the furthest point within the dwelling. Therefore, residential sprinklers would act as a compensatory factor in increasing this distance to 90m. This would be incorporated as per the aforementioned condition. HF&R have confirmed agreement to the domestic sprinkler system being installed in accordance with Approved Document B.
- 10.26 It is therefore considered that subject to a minor modification to the wording as detailed within the relevant condition as detailed within the relevant section of this report the proposed variation is acceptable.

### **Response to Neighbour Comments**

- 10.27 The Oaks is a small private drive accessed from Cross Oak Road. It was originally constructed in the mid-70s and currently provides access to four dwellings, Nos. 1-3 The Oaks and 129 Cross Oak Road. The drive is owned by the Applicant and access rights to the aforementioned properties have been agreed. The properties to which this application relates are sited at the end of this private drive.
- 10.28 Five letters of objection have been received in relation to this proposal, these can be found in Appendix B. The concerns raised will now be discussed.
- 10.29 Evidence has been provided with regards to the suitability of both (old and new) surfacing materials. I consider that both would be acceptable. The relevant consultees appear to also

agree. No significant issues have been identified by the Trees and Woodlands Department. No issues have been raised with regards to highway safety by the Highway Authority.

- 10.30 Policy CS29 (Sustainable Design and Construction) states that the following principles should be satisfied: (c) Recycle and reduce construction waste which may otherwise go to landfill. It also highlights that development should incorporate permeable surfaces in urban areas. The proposal to retaining and maintaining the existing surfacing material fulfils both of these criteria. The neighbours have provided quotes from The Landscape Group and Addagrip. An assessment of these quotes has shows that a new surface would be the less sustainable option, noting the extent of work and materials required for the new surfaces (e.g. 25 tons of top layer, 16 tons of sharp sand as per the quote from The Landscape Group).
- 10.32 The neighbours have raised concerns over construction traffic and the degradation of the drive. The supporting highlights that, "*Following construction, any damage to the surface caused by the process will be repaired and topped with fresh gravel.*" I consider this as a reasonable solution to deal with any degradation of the gravel surface.
- 10.33 Concerns have also been raised with regards to the use of the existing drive with construction vehicles and the impact on surrounding tree roots. The supporting statement highlights that the existing road surface "*will not be disturbed it will continue to provide ground protection to tree roots during the construction process. Proprietary heavy duty ground protection matting will be used where necessary to further protect the surface of the driveway.*" The application is supported by a revised Arboricultural Report and Tree Protection Plan. Upon assessment of these documents I have no concerns with the protection of the surrounding trees. The T&W Team have raised no objection to the revised documents.
- 10.34 In terms of visual amenity, the proposal would preserve and integrate with the attractive streetscape in accordance with Policies CS11 and CS12. The gravel drive is consistent with other driveways in the locality.
- 10.35 Regarding residential amenity, the neighbours have raised concerns over the continued use of the gravel drive and the noise impacts associated with vehicles passing over it. Although the noise generated by a gravel drive may be louder than a resin bond drive, it is unlikely to result in an unacceptable impact on residential amenity. The scheme is therefore considered to have a limited impact on residential amenity in accordance with Policy CS12 and Paragraph 127 of the Framework.
- 10.36 Taking all of the neighbours comments into consideration and the supporting letters provided by the Applicant, I am satisfied that the proposal to retain the existing driveway would be the most sustainable option. Furthermore, it is likely to have lesser impact on the surrounding trees when considering works required to lay a new drive. In terms of drainage, both options appear satisfactory and no concerns are raised regarding this. I am of the conclusion that retention of the existing surface is acceptable in accordance with saved Policy 99 and Policies CS8, CS9, CS29, CS31 and CS32.

## **11. CONCLUSION**

- 11.1 The proposal would involve the variation of three conditions relating to application 19/02793/ROC. In essence, these conditions relate to: (a) the retention of the existing gravel shared driveway as opposed to a hard surface bonded resin driveway; (b) installation of domestic sprinklers rather than fire hydrants; and (c) the alteration of the proposed landscaping works.

11.2 Evidence has been provided in relation to the reasoning behind these proposed changes and the application has gained support from the relevant consultees. It appears that the preferable option, in terms of sustainability, drainage and the protection of trees, would be the retention of the gravel surface. No other concerns are raised with regards to the other elements of the proposal.

## 12. RECOMMENDATION

12.1 That Planning permission be **GRANTED** subject to the following conditions:

### Condition(s) and Reason(s):

1. **The development hereby permitted shall be begun before 13/09/2021.**

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.

2. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

17/119/101D - Proposed Block Plan

17/119/102D - Proposed Block Plan, Street Scene and Location Plan

17/119/103 - Proposed Block Plan - First Floor Plot 2

17/118/1G - Proposed Plans, Elevations and Sections (application reference: 19/02793/ROC)

17/119/1G - Proposed Plans, Elevations and Sections (application reference: 19/02793/ROC)

Arboricultural Report (application reference: 4/01684/18/FUL)

DS31101501.03-A - Tree Protection Plan dated 19.05.2020

Site Management Plan dated 06.04.2020

CS29 Checklist (application reference: 4/01684/18/FUL)

Hard and Soft Landscape Scheme

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

3. **The approved hard and soft landscaping details (Hard and Soft Landscape Scheme received 05/06/2020) shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Core Strategy.

4. **The windows at first floor level in the easternmost elevations of both of the dwellings hereby approved shall be non-opening below 1.7m from floor level and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Core Strategy.

5. **Prior to first occupation of the development hereby approved, details of the proposed domestic sprinkler system will be submitted to and approved in writing by the Local Planning Authority.**



Reason: To ensure that sufficient strategic infrastructure is provided to support the development in accordance with Policy CS35 of the Core Strategy.

- 6. The development hereby approved shall not be occupied until details of servicing and refuse collection have been submitted to and approved by the Local Planning Authority.**

Reason: To ensure that servicing and refuse vehicles can safely access / egress the site in accordance with Policy CS12 of the Core Strategy.

**Informatives:**

1. Planning permission 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.
2. The attention of the Applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Hertfordshire Property Services (HCC)	<p>No objection.</p> <p>Further comments received 04/11/20</p> <p>Thank you for your email regarding amended/ additional information being submitted for the above mentioned planning application.</p> <p>Hertfordshire County Council's Growth &amp; Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>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.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.</p> <p>I trust the above is of assistance if you require any further information</p>

	<p>please contact the Growth &amp; Infrastructure Unit.</p>
<p>Parish/Town Council</p>	<p>Objection.</p> <p>There is insufficient evidence that the proposed variation would maintain a high standard of sustainable construction, including adequate drainage, contrary to policy CS29 and specified as a condition in the decision notice for application 19/02793/ROC. Further, the current driveway provides inadequate access to all users, contrary to both policy CS12 and the conditions set out in the existing application. Without satisfactory evidence that the new SMP complies with these policies, the Committee objected to this variation.</p> <p>CS12, CS29</p>
<p>Trees &amp; Woodlands</p>	<p>Tree Protection Plan is acceptable. Areas of protective fencing and ground boards are shown in compliance with the British Standard.</p> <p>But tree planting details and numbers need alteration. Seven trees are listed T1 - T7 within the rear garden settings but only detail such as 'Prunus' or 'Acer' is provided. Given that for these two species alone there are thousands of varieties, with many unsuited to this location, further detail is required.</p> <p>Tree sizing suggested is too small to provide an effective visual impact within several years of planting, but too many trees are proposed within the available space. It would be better for the overall site if fewer trees of larger size were used, this ultimately matching much of the surrounding urban landscape in neighbouring properties.</p> <p>Tree species selected (Prunus, Olive, Photinia, Acer, Lilac) are acceptable but variety detail needs providing for the one or two that should be planted per garden. Planting size should be increased from 1 or 2 metres tall (which is very small for trees) to a stem diameter measurement of 8 - 10 cm or 10 - 12cm. At this size, visual amenity is immediately higher without too onerous maintenance.</p> <p>Shrub species proposed are ok.</p> <p>Response from Applicant to Trees and Woodlands Department</p> <p>Thank you for your comments regarding the tree planting, which we have noted.</p> <p>The builder who has developed the garden at 7 Anglefield Road (rear of Plot 1) has, since our amendment to planning submission on the 26th May, planted four trees to provide the required privacy and visual</p>

	<p>impact. These trees are as follows:-</p> <p>Prunus 'Umineko' x 2 and Acer Royal Red x 2 - All these four trees have a girth of 18/20cm and are 3m in height.</p> <p>In view of the trees now planted at 7 Anglefield Road, we feel no more trees than what we are now proposing should be required on that boundary.</p> <p>In addition to this, in the garden of 5 Anglefield Road is a very mature and overly large beech tree which creates shade of at least 4m in the garden of Plot 1. To this effect we have removed T1 and T2 completely. T3, i.e. Photinia Fraseri Red Robin (3m height) remains in position.</p> <p>T4 &amp; T7 in Plot 2 to be changed to Sorbus Aucuparia 18/20cm - 3ms height.</p> <p>T5 is Prunus Serrula 10/12cm 2m</p> <p>The garden of 11 Anglefield Road also has numerous over sized mature trees all the way along the boundary of Plot 2.</p> <p>T6 to be removed.</p> <p>T8 to be removed due to the overhanging trees from neighbouring properties.</p> <p>Further comments from Trees and Woodlands</p> <p>No problem with the revisions. Tree cover is being provided through a slightly different approach.</p>
Hertfordshire Highways (HCC)	<p>Proposal</p> <p>Variation of conditions 2 (Aproved Plans) 3 (Landscape works) 5 (Fire Hydrants) attached to planning permission 19/02793/ROC (Variation of Condition 2 (approved plans) attached to planning permission 4/01684/18/FUL (construction of two detached houses) providing for the re-siting of the forward projection of Plot 1 to the north-west and minor alterations to the fenestration of both Plot 1 and Plot 2.)</p> <p>Decision</p> <p>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</p>

	<p>restrict the grant of permission.</p> <p>COMMENTS</p> <p>This application is for: Variation of conditions 2 (Approved Plans) 3 (Landscape works) 5 (Fire Hydrants) attached to planning permission 19/02793/ROC (Variation of Condition 2 (approved plans) attached to planning permission 4/01684/18/FUL (construction of two detached houses) providing for the re-siting of the forward projection of Plot 1 to the north-west and minor alterations to the fenestration of both Plot 1 and Plot 2.)</p> <p>ANALYSIS</p> <p>The applicant has submitted documents to support the following:</p> <ul style="list-style-type: none"> <li>- to provide for installation of domestic sprinkler system to protect the development from fire (C.5)</li> <li>- and approval of proposed hard and soft landscaping details (C.3)</li> <li>- and complimentary site management plan, tree protection details and block plan (C.2).</li> </ul> <p>CONCLUSION</p> <p>HCC as highway authority has no objections to the variation of conditions.</p>
<p>Conservation &amp; Design (DBC)</p>	<p>No issues with the variations suggested from a design/conservation perspective.</p>
<p>Hertfordshire Fire &amp; Rescue</p>	<p>It appeared to me like firefighter access would not be adequate as they would not be able to squeeze an appliance down the path to where the proposed dwellings will be, and would therefore be parked further than 45m away from the furthest point within the dwelling. Therefore residential sprinklers would act as a compensatory factor in increasing this distance to 90m, and yes I agree a domestic system should be installed as per Approved Document B.</p>
<p>Hertfordshire Property Services (HCC)</p>	<p>Thank you for your email regarding the above mentioned planning application.</p> <p>Hertfordshire County Council's Growth &amp; Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community</p>

	<p>Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.</p> <p>I trust the above is of assistance if you require any further information please contact the Growth &amp; Infrastructure Unit.</p>
Parish/Town Council	<p>Objection</p> <p>There remains insufficient evidence that the proposed variation would maintain a high standard of sustainable construction, including adequate drainage, contrary to policy CS29 and specified as a condition in the decision notice for application 19/02793/ROC. Further, the current driveway provides inadequate access to all users, contrary to both policy CS12 and the conditions set out in the existing application. Without satisfactory evidence that the new SMP complies with these policies, the Committee objected to this variation and would expect to see it at Development Management in the future.</p> <p>CS12, CS29</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
13	5	0	5	0

### Neighbour Responses

Address	Comments
2 The Oaks Berkhamsted Hertfordshire HP4 3JN	- The residents of 2 The Oaks object to this planning application. We are strongly objecting to changes to the existing Sight Management plan and the Hard and Soft landscaping plan. We have no objection to the remainder of the planning application and other variations mentioned. In particular we object to (1) the variance of the existing condition regarding the surfacing of The Oaks itself during and after the construction works; and (2) the creation of inadequate access by dint of

the proposed pathway. We believe that the assertions in the application are not supported and are also in conflict with with CS9, CS12, CS29, CS31, CS32, and SuDS, as explained in the body of our objections below.

- The current applicant bought the site in November 2019 knowing that Planning Permission ref. 4/01684/18/FUL was subject to the current conditions including no.2 stipulating adherence to the Site Management Plan.

- The current applicant varied some aspects of the approval in November 2019 in ref 10/02793/DOC but did not seek to vary the Site Management Plan condition, only addressing that now, 7 months later.

- The original applicant who sought permission to build on this site was E J Waterhouse, a well-known local professional builder/developer. On page 2 of the existing SMP under the heading "Phase 2 driveway construction" he stated that "The existing drive is hardcore with a gravel topping. This is not suitable for construction traffic and will degrade over the period of construction...It is also not now deemed an appropriate finish for Tree Protection areas". This clearly remains the case! The SMP which was then incorporated into the planning permission included installation of a new subsurface/type 3 stone/70mm tarmac prior to the commencement of the construction to be finished with a 70mm resin bound surface after completion. The residents of 2 The Oaks believe this was the correct approach, as approved by Planning.

- Issues with the amended Site Management Plan:

- The applicant states that it is the residents of The Oaks who are responsible for the maintenance of the road. This is incorrect: as stipulated in the title deeds to various properties in the Oaks and Cross Oak Road, between predecessors (to the applicant) in title to The Oaks and the residents, it is the applicant as current owner of the road who is responsible for the repair and maintenance of the road, subject to the residents paying a fair proportion of the cost.

- If the variation to the SMP were granted, this would be manifestly unfair to the existing residents, as the construction damage to the Road inevitably could not be completely remedied by "making good" and hence a consequent financial burden of eventual repair in ensuing years would be unreasonably placed onto existing residents.

- It states that resin-bonded /bound surfaces are not suitable/often fail. This is not accurate: advice has been sought from a leading supplier and its favoured Groundwork Contractor (Addagrip Terraco Ltd and Graveltech) and they have confirmed that their Addaset resin bound surface is completely applicable to a private road such as The Oaks (see NBBA Certificate 16/5288) and is supplied with a 15 year warranty, which would hardly be the case if not suitable for domestically-trafficked roads! Therefore, the statement that costly remedial works to a resin-bound surface would be required, and the view of xxxxxxxx xxxxxxxx in his letter to the applicant dated 26 May 2020 should be discounted being only a personal opinion without any kind of evidence to support it.

- The SMP also states the existing surface is compatible with other drives nearby: this is irrelevant as other drives serve one property not the six properties that The Oaks will be serving.

- The SMP states that the existing surface offers good drainage: this is false as can be seen with the large pools of standing water prevalent on

the existing drive after any significant precipitation.

- The SMP states that recent maintenance has been poor. In response, it should be noted that the likelihood of this development has been looming for 5 years and during that time, a large development project was concluded at the corner with Cross Oak Road which made any subsequent maintenance project inappropriate until these current plans were concluded. Indeed, during those extension works, which were far less invasive than the current proposals, it became clear that the driveway was far from suitable for construction traffic, as recorded in photographs from the time. The residents of 2 The Oaks have contributed to several maintenance updates every few years at a cost of £000s each time. As the letter from xxxxxxx xxxxxxx, submitted by the applicant, confirms "I would strongly advise against implementing any works on the road until such time as the major part or all of the deliveries to the site are over. The trafficking with goods vehicles generally gives rise to damage which will detract from the appearance of the new surface." This is the exact reason why the original applicant, Mr. XXXXXXXXXXXX, whose company built the original roadway and therefore knew better than anyone its limits, committed to installing a tarmac finish prior to construction being commenced.
- The SMP states that the existing surface is suitable for construction traffic and tree root protection: this seems to be on the basis of opinion only (XXXXXX XXXXXXXX, arboricultural consultant / Hereditas Limited) and not supported by any analysis, hence should be disregarded.
- Hereditas seem to be "excavating contractors". They do not appear to have carried out any detailed investigation of the drive.
- The original professional developer (not a private individual) stated that the driveway is not suitable for construction traffic and will degrade over the period of construction.
- The Oaks' residents' Groundwork Contractors (Graveltech, as above) advise this cannot possibly be known without professional core drilling, sampling and analysis.
- The existing surface is certainly demonstrably not SuDS compliant (see regulations, 2010) which the surface stipulated in the existing condition certainly and certifiably will be and hence the opportunity should be taken to address this through this development to ensure its compliance to SuDS regulations. This will reduce excess water runoff and reduce the risk of flooding.
- At "Phase 3, development construction", the existing SMP provides for a jet wash to be kept on site to ensure vehicles can be cleaned before leaving the site and the new tarmac drive be kept clean and mud free. The applicant's proposed plan makes no provision at all for cleaning the driveway on The Oaks during the construction works. Rather, the applicant appears to be concerned with egress onto Cross Oak Road, not The Oaks. During previous recent construction works, The Oaks was rendered almost impassable at times with mud and puddles.
- Compliance with applicable constraints to the Planning Permission: the existing surface would seem to not fully comply with the following constraints:
  - EA Source Protection Zone 2 & 3: the amount of Runoff from the existing road surface is unacceptably high: the road has been compacted over the years despite regular maintenance and now there is considerable runoff from the surface, retaining this surface vis the

sought amendment will therefore conflict with CS29 part(d) and not comply with SuDS regulations and further conflict with CS 31 part (b). The porosity of the existing surface is insufficient, so that rain does not seep into the ground instead runs off into drains or down the road. Conversely the modern approved surface stipulated in the existing Planning Condition will allow appropriate drainage of rainwater, prevent runoff and fully comply with CS29, CS31 and SuDS regulations (2010).

- TPO (and other) tree protection: there has been no adequate analysis to demonstrate that the roots of these trees will be adequately protected by the existing road surface and the guessed-at measures of minimal Celweb and "Matting". Certainty can be achieved only by careful excavation/a new sub-base per the Waterhouse Site Management Plan and/or the Addagrip proposals.

- The amendment to the approved SMP Condition 2 appears in conflict with CS9, which states "The traffic generated from new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy". As demonstrated previously the existing road (as called for in the amendment) is not compatible with either the increased traffic from construction, nor from >50-100% (dependent on sub-area of the road) routine traffic, whereas the existing SMP's stipulation of surface is carefully specified to be compatible with both.

- The amended SMP conflicts with CS12. Specifically, by installing the new path to the south of the road boundary the width of the road will be reduced significantly, particularly at its narrowest point.

- This will reduce access to vehicles to an unacceptable extent and risk damage to vehicles legitimately kept within the boundaries of 129 Cross Oak Road and 1,2 and 3 The Oaks. (conflict with CS12, parts (a) and (b) and parts of (g).

- Parking Accessibility Zone the pooling of the gravel/shingle makes access difficult especially disabled access. The new path will aid disability access to the new properties but reduce vehicular access as outlined above, (conflict with CS12 part (a)), whereas the existing approved resin-bound surface will not reduce vehicular access at all and will allow disabled access throughout The Oaks and complies with all parts of CS12.

- Retention of the existing surface prevents the improvement in compliance with CS32, in terms of the Noise Pollution arising from vehicular impact on the loose gravel surface, which will be eliminated through implementation of the approved SMP.

- Conclusion:

- - The residents of 2 The Oaks object to this planning application. We strongly object to changes to the existing Sight Management plan and the Hard and Soft landscaping plan. We have no objection to the remainder of the planning application and other variations mentioned. We believe that the assertions in the application are not supported and are also in conflict with with CS9, CS12,CS29, CS31, CS32, and SuDS, as explained in the body of our objections above. Other key points are:

- The requested amendment to retain the existing surface is inadequate for drainage regulations, tree root protection and withstanding construction/increased traffic and is in contravention of at least seven elements of the Core Strategy.

- The surfaces specified in the existing approved Site Management



Plan/Condition meet the requirements of all elements of the Core Strategy contravened by the requested amendment:

- are suitable for use for the construction and increased level of traffic and will be warranted for 15 years
- will adequately protect TPO and other trees
- will provide suitable cleaning during the construction period
- will meet current drainage SuDS regulations
- will not increase unfairly the cost burden of maintenance of The Oaks to its existing residents and its new residents solely from the development project.

- Hence Officers should recommend refusal of the amendments sought to the Site Management Plan and Hard & Soft Landscaping Plan.

We repeat our strong objections to the variation in conditions relating to the proposed change in driveway surfacing requested in the above-referenced application and support the objections posted by Berkhamsted Town Council.

Full documents supporting our objections have been submitted to the Planning Dept. Several key points are noted here:

- The requested amendment reneges on a previous applicant commitment to improve the surface of the driveway.

- The proposed retention of the current gravel surface will not provide an adequate standard of construction, tree root protection, drainage and access for all users and so will not comply with CS29, CS12 and SuDS regulations.

- The undertaking in the initial approved planning application to install a new solid surface would create an automatically higher standard in the above four aspects and be CS29, CS12 and SuDS regulations compliant.

- The arguments put forward by the applicant for the change lack any analytical, testing or factual data. In addition, the support for the changes by the original applicant is in direct conflict with the comments in his original submission stating that the existing gravel surface was unsuitable to handle construction traffic, for tree root protection, drainage and was outdated.

- The applicant has made no effort to obtain substantive expert / industry evidence to provide answers to the objections raised by BTC.

- The cost cutting achieved by this requested change is at the expense of quality and will result in an unfair increase in maintenance costs incurred by existing residents due to construction and driveway use by the new residents.

- There is confirmation from technical experts that several hard surface options meet all the technical requirements for durability, drainage and tree protection and confer long term warranties/low maintenance costs for residents.

	<p>In conclusion, our original objections and those of Berkhamsted Town Council remain entirely valid and unaddressed. The requested Planning Condition Amendment should be refused and the surface which the original applicant intended to specify (or similar) should be mandated.</p>
<p>121 Cross Oak Road Berkhamsted Hertfordshire HP4 3HZ</p>	<p>We have a major concern with the proposal to retain the existing the gravel surface of the road rather than replacing it with a solid resin surface, per the original Hard and Soft Landscaping Plan. The road is already very noisy, with vehicles disturbing the gravel on a daily basis, and our bedroom window is a few metres away from the road. The increase in vehicles as a result of this development will present a significant noise nuisance if the loose gravel surface is retained, and this contravenes policy CS32 of Dacorum's Core Strategy.</p>
<p>3 The Oaks Berkhamsted Hertfordshire HP4 3JN</p>	<ul style="list-style-type: none"> <li>- While the residents of 3 The Oaks have no objections/comments to parts of the variations to the Approved Conditions sought, we have strong objections to the application to vary the approved Site Management Plan ("SMP") and the Hard &amp; Soft Landscaping Plan, in particular (1) the variance of the existing condition regarding the surfacing of The Oaks itself during and after the construction works; and (2) the creation of inadequate access by reason of the proposed pathway which, as we set out below, are in conflict with CS9, CS12, CS29, CS31, CS32 and SuDS</li> <li>- The current applicant bought the site in November 2019 knowing that Planning Permission ref. 4/01684/18/FUL was subject to the current conditions including no.2 stipulating adherence to the Site Management Plan.</li> <li>- The current applicant varied some aspects of the approval in November 2019 in ref 10/02793/DOC but did not seek to vary the Site Management Plan condition, only addressing that now, 7 months later.</li> <li>- The original applicant who sought permission to build on this site was E J Waterhouse, a well-known local professional builder/developer. On page 2 of the existing SMP under the heading "Phase 2 driveway construction" he stated that "The existing drive is hardcore with a gravel topping. This is not suitable for construction traffic and will degrade over the period of construction...It is also not now deemed an appropriate finish for Tree Protection areas". This clearly remains the case! The SMP which was then incorporated into the planning permission included installation of a new subsurface/type 3 stone/70mm tarmac prior to the commencement of the construction to be finished with a 70mm resin bound surface after completion. The residents of 3 The Oaks believe this was the correct approach, as approved by Planning.</li> <li>- Issues with the amended Site Management Plan: <ul style="list-style-type: none"> <li>- The applicant states that it is the residents of The Oaks who are responsible for the maintenance of the road. This is incorrect: as stipulated in the title deeds to the various properties in The Oaks, it is the applicant as current owner of the road who is responsible for the repair and maintenance of the road, subject to the residents paying a fair proportion of the cost.</li> <li>- If the variation to the SMP were granted, this would be manifestly unfair to the existing residents, as the construction damage to the road inevitably could not be completely remedied by "making good" and</li> </ul> </li> </ul>

hence a consequent financial burden of eventual repair in ensuing years would be unreasonably placed onto existing residents.

- It states that resin-bonded /bound surfaces are not suitable/often fail. This is not accurate: advice has been sought from a leading supplier and its favoured Groundwork Contractor (Addagrip Terraco Ltd and Graveltech) and they have confirmed that their Addaset resin bound surface is completely applicable to a private road such as The Oaks (see NBBA Certificate 16/5288) and is supplied with a 15 year warranty, which would hardly be the case if not suitable for domestically-trafficked roads! Therefore, the statement that costly remedial works to a resin-bound surface would be required, and the view of Stephen Johnson in his letter to the applicant dated 26 May 2020 should be discounted being only a personal opinion without any kind of evidence to support it.
- The SMP also states the existing surface is compatible with other drives nearby: this is irrelevant as other drives serve one property not the six properties that The Oaks will be serving.
- The SMP states that the existing surface offers good drainage: this is false as can be seen with the large pools of standing water prevalent on the existing drive after any significant precipitation.
- The SMP states that recent maintenance has been poor. In response, it should be noted that the likelihood of this development has been looming for 5 years and during that time, a large development project was concluded at the corner with Cross Oak Road which made any subsequent maintenance project inappropriate until these current plans were concluded. Indeed, during those extension works, which were far less invasive than the current proposals, it became clear that the driveway was far from suitable for construction traffic, as recorded in photographs from the time. The residents of 3 The Oaks have contributed to several maintenance updates every few years at a cost of £000s each time. As the letter from Stephen Johnson (submitted by the applicant) confirms "I would strongly advise against implementing any works on the road until such time as the major part or all of the deliveries to the site are over. The trafficking with goods vehicles generally gives rise to damage which will detract from the appearance of the new surface." This is the exact reason why the original applicant, Mr. Waterhouse, whose company built the original roadway and therefore knew better than anyone its limits, committed to installing a tarmac finish prior to construction being commenced.
- The SMP states that the existing surface is suitable for construction traffic and tree root protection: this seems to be on the basis of opinion only (Patrick Styleman, arboricultural consultant / Hereditas Limited) and not supported by any analysis, hence should be disregarded.
- Hereditas seem to be "excavating contractors". They do not appear to have carried out any detailed investigation of the drive.
- The original professional developer (not a private individual) stated that the driveway is not suitable for construction traffic and will degrade over the period of construction.
- The Oaks' residents' Groundwork Contractors (Graveltech, as above) advise this cannot possibly be known without professional core drilling, sampling and analysis.
- The existing surface is certainly demonstrably not SuDS compliant (see regulations, 2010) which the surface stipulated in the existing condition certainly and certifiably will be and hence the opportunity should be taken to address this through this development to ensure its

compliance to SuDS regulations. This will reduce excess water runoff and reduce the risk of flooding.

- At "Phase 3, development construction", the existing SMP provides for a jet wash to be kept on site to ensure vehicles can be cleaned before leaving the site and the new tarmac drive be kept clean and mud free. The applicant's proposed plan makes no provision at all for cleaning the driveway on The Oaks during the construction works. Rather, the applicant appears to be concerned with egress onto Cross Oak Road, not The Oaks. During previous recent construction works, The Oaks was rendered almost impassable at times with mud, pot holes and puddles which presented the risk of personal injury and damage to vehicles.
- Compliance with applicable constraints to the Planning Permission: the existing surface would seem to not fully comply with the following constraints:
  - EA Source Protection Zone 2 & 3: the amount of Runoff from the existing road surface is unacceptably high: the road has been compacted over the years despite regular maintenance and now there is considerable runoff from the surface, retaining this surface vis the sought amendment will therefore conflict with CS29 part (d) and not comply with SuDS regulations and further conflict with CS 31 part (b). The porosity of the existing surface is insufficient, so that rain does not seep into the ground instead runs off into drains or down the road. Conversely the modern approved surface stipulated in the existing Planning Condition will allow appropriate drainage of rainwater, prevent runoff and fully comply with CS29, CS31 and SuDS regulations (2010).
  - TPO (and other) tree protection: there has been no adequate analysis to demonstrate that the roots of these trees will be adequately protected by the existing road surface and the guessed-at measures of minimal Celweb and "Matting". Certainty can be achieved only by careful excavation/a new sub-base per the Waterhouse Site Management Plan and/or the Addagrip proposals.
  - The requested amendment to the approved SMP Condition 2 appears in conflict with CS9, which states "The traffic generated from new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy". As demonstrated previously the existing road (as called for in the amendment) is not compatible with either the increased traffic from construction, nor from >50-100% (dependent on sub-area of the road) routine traffic, whereas the existing SMP's stipulation of surface is carefully specified to be compatible with both.
  - The amended SMP conflicts with CS12. Specifically, by installing the new path to the south of the road boundary the width of the road will be reduced significantly, particularly at its narrowest point.
  - This will reduce access to vehicles to an unacceptable extent and risk damage to vehicles legitimately kept within the boundaries of 129 Cross Oak Road and 1,2 and 3 The Oaks. (conflict with CS12, parts (a) and (b) and parts of (g)).
  - Parking Accessibility Zone the pooling of the gravel/shingle makes access difficult especially disabled access. The new path will aid disability access to the new properties but not to 2 and 3 The Oaks. However it will reduce vehicular access as outlined above, (conflict with CS12 part (a)), whereas the existing approved resin-bound surface will not reduce vehicular access at all and will allow disabled access

throughout The Oaks and complies with all parts of CS12.

- Retention of the existing surface prevents the improvement in compliance with CS32, in terms of the Noise Pollution arising from vehicular impact on the loose gravel surface, which will be eliminated through implementation of the approved SMP.
- Conclusion:
- The requested amendment to retain the existing surface is inadequate for drainage regulations, tree root protection and withstanding construction/increased traffic and is in contravention of at least seven elements of the Core Strategy.
- The surfaces specified in the existing approved Site Management Plan/Condition meet the requirements of all elements of the Core Strategy contravened by the requested amendment and:
  - are suitable for use for the construction and increased level of traffic and will be warranted for 15 years
  - will adequately protect TPO and other trees
  - will provide suitable cleaning during the construction period
  - will meet current drainage SuDS regulations
  - will not increase unfairly the cost burden of maintenance of The Oaks to its existing residents and its new residents arising solely from the development project.

Hence Officers should recommend refusal of the amendments sought to the Site Management Plan and Hard & Soft Landscaping Plan that are in conflict with CS9, CS12, CS29, CS31, CS32, SuDS as explained in the body of our objections above.

#### COMMENTS ON PLANNING APPLICATION 20/01403/ROC

##### Summary:

While the residents of The Oaks and 129 Cross Oak Road have no objections to the bulk of the variation in conditions requested to the above-referenced application, they continue to object strongly to the parts addressing the change in driveway surfacing. They fully support Berkhamsted Town Council's objections to same, which remain entirely valid. This is for the following main reasons, the full substantiation for which is given on the following pages.

- o The current requested amendment is effectively renegeing on a previous applicant commitment to improve the surface of the driveway dating back nearly three years.
- o The parochial self interest in cost cutting at the expense of quality and the unfair consequent increase in maintenance costs incurred by existing residents due to construction and driveway use by the new residents.
- o The recently confirmed lack of suitability of the current gravel surface due to demonstrable low standards of construction, tree root protection, drainage/runoff and access for all users and therefore non-compliance with CS29, CS12, and SuDS regulations.
- o The technically correct initial undertaking to install a new solid surface which will create an automatically higher standard in the above four aspects and be CS29, CS12 and SuDS regulations compliant.
- o The lack of any analytical, testing or factual data in arguments proffered against a solid surface. None of the documentation lodged by

the new applicant justifies the change requested in any quantitative manner, but merely through hearsay and opinion of various inexpert, unspecialised entities, all apparently with a conflict of interest rather than demonstrably independent.

o Completely erroneous, misleading and inaccurate criticism of the specified surface type arising solely from a confessed applicant error in terminology used at the time of the original application and lack of assiduity in correcting the error subsequently in planning documentation.

o The lack of effort by the applicant to obtain expert input and quotations from specialist hard surfacing companies, which inputs have easily been obtained by the residents (copies attached).

o The confirmation of these inputs that several hard surface options (including that which was mistakenly not originally specified) meet all the technical requirements for durability, drainage and tree protection and confer long term warranties/low maintenance costs for residents as well as full compliance with CS 29, CS12 & SuDS regulations. Hence the original objections of the residents and Berkhamsted Town Council remain entirely valid and unaddressed, the requested Planning Condition Amendment should be refused and the surface which the original applicant admitted to have intended to specify (or similar) should be mandated.

New Comments on amended Site Management Plan (SMP):

o Resin Bonded Gravel: Throughout the SMP (and other documentation to be referenced subsequently) there seems to be an implication that the original applicant's (EJ Waterhouse) commitment and the residents' request/preference was always for a resin bonded surface. In fact, what was originally discussed between the residents and the original applicant, and committed to by him, was a hard surface, superior in properties to the existing gravel surface. This was something which was suggested by the original applicant, who knew the existing driveway was not suitable for the intended project, not by the residents. In an email to the residents on 23rd July 2018 (copy available) the original applicant advised in his point 5: "The tarmac will be installed prior to construction, with the final surface of resin bound gravel added once works are complete. The tarmac provides a durable and easy to clean and maintain surface during construction. I note I have made a mistake. I have specified resin bonded gravel, when in fact I meant resin bound gravel surface". The mistake is referring to the original SMP which was registered on the Dacorum website on 10th July 2018 (less than two weeks prior to the email). However, it seems strange that Mr Waterhouse has forgotten this aspect in his recent email to the Planning Officer of 20th October 2020, not to mention potentially misleading. It seems he was aware of the limitations of resin bonded gravel even at the time of the original planning application, yet this mistake has not been corrected for over two years. While there has been no meaningful evidence proffered that resin bonded gravel is unsuitable, only hearsay, anecdotal reports and a letter from an individual non-specialist engineer containing further opinion but no factual analysis or evidence, it may well be that resin bonded gravel is not the best choice. Clearly in this case the correct course of action is to correct the uncorrected mistake and specify the surface to be resin bound gravel. Exceptionally under certain

circumstances an alternative hard surface which still addresses the shortcomings of loose gravel could be considered (e.g. block paving). Hence all the Applicants' qualitative arguments against resin bonded surfaces can be disregarded as in essence irrelevant as the inclusion of the term "resin bonded" in all documentation was a self-confessed mistake of the original applicant and should be replaced with the term "resin bound". None of the cited drawbacks of resin-bonded apply to resin bound surfaces, which can therefore be employed by the Applicants with no technical reservations. For the avoidance of doubt, the residents are not insisting and never have, upon a resin finish. The residents consider any sensible solution which deals with the driveway issues as practicable. However, what is important is that the current permission is for a resin finish and if this is not to be used, the Applicants must put forward a positive alternative, something they have at no stage done. Indeed, Mr Stickley (the Planning Officer) has noted this and in his e mail of 16 October 2020 to the Applicants' agent, asked the Applicants to reconsider " the original surfacing material or something else which is more permanent, such as block paving". The residents are not aware whether the Applicants have responded to this.

o Existing Gravel Surface: There are several assertions over the suitability of the existing surface, including its lack of required maintenance, drainage, tolerance of traffic, tree protection, consistency with neighbouring driveways and re-compaction properties. None of these are true, as demonstrated by the existing condition of the

surface and over 20 years' experience of the residents:

o The gravel does NOT - as asserted -resettle and recompact. Rather it is eroded in places of frequent use and potholes are created, which gather water which does not drain away and create access hazards, especially for disabled users.

o Contrary to the SMP, it is the existing gravel surface which requires significant ongoing and regular maintenance and this will only increase with the damage to be caused, (new item) the newly advised laying of services to the new houses and the >50% increase in vehicular traffic. The owner of the road is responsible for its maintenance, subject to reimbursement of a proportion of the costs from the residents. In practice, this arrangement has not worked in this way. Rather, the residents have themselves maintained the driveway every few years at a cost of many £000s each time. The residents have not arranged such maintenance recently while this development is looming (professional advice is to refrain from such works until construction is complete, as it will cause so much damage). It is understood that the Applicants deny the responsibility for maintenance, even though the deeds are quite clear in this respect. It will therefore doubtless prove difficult to conduct future such maintenance. However alternative suitable hard surfaces such as resin bound and block paving confer comparatively maintenance-free conditions and lengthy warranty periods (see later).

o Drainage of the existing surface is demonstrably poor, as evidenced in recent bad weather; large pools of undrained water being present in many parts of the driveway and doubtless does not meet SuDS regulations and CS29. (Photo's attached). Conversely, offers received from industry-leading contractors for resin-bound and block paving options (see later) include permeable construction and demonstrably

compliant and certificated drainage to the SuDS regulations and CS29.

o The original SMP (2018) stated the existing gravel surface " is not suitable for construction traffic and will degrade over the period of construction. It is also an outdated solution for drive surfacing as the maintenance required and finish achieved make it not attractive for new developments. It is also not now deemed an appropriate finish for Tree Protection areas". These very clear statements have not been challenged by the Applicants. It must therefore be concluded that the Applicants agree with the statements. However, they have not proposed any positive solutions. They have simply ignored it, conveniently dropping it from the 2020 SMP. No testing or analysis has been provided to substantiate any assertions of suitability and the laying of a few mats will not materially improve these issues! The Tree Report wording has merely been amended to reflect the new SMP but no further analysis or investigation undertaken. The Hereditas letter is from a specialist in groundworks for timber framed houses, (presumably contracted by the Applicants and therefore conflicted), not in roads/driveways and is merely an opinion not backed up with any evidence or analysis.

o The reference to the consistency with neighbouring driveways in the original Design and Access statement is disingenuous: all the other properties shown on pages 3 - 5 as referenced serve single properties and not multiple residences. Rather, The Oaks should be compared to Oaklands as shown on page 6, which serves only nine properties but is a hard surface road. This is much more similar in character to a road serving six properties than the one serving six is to a drive serving an individual property! Hence the appropriateness of a hard surface for The Oaks is further substantiated.

o Use of the driveway for construction traffic: contrary to the statement that the driveway will not be disturbed, it will be damaged significantly by such traffic, based on previous experience from minor construction projects and will not protect tree roots as outlined in the 2018 SMP. Also, in a negative development from the previous SMP, it now emerges that contrary to commitments given by the original applicant the driveway will now be subject to major excavation for utility services causing further damage, from which experience has shown it will not be possible to 'make good' the driveway satisfactorily.

Comments on "Additional Information: Letter from Agent"

In general, along with other application documents, this letter is very general in nature containing mostly opinion and hearsay and very little actual factual information or statements substantiated by any evidence or analysis and hence should largely be disregarded. (Paragraph references are given for ease of referral).

o Para 1, 5, 10: Despite several attempts to contact the previous planning officer, including by the Planning Consultant retained by the residents (<https://www.planningsense.co.uk/> ), this never proved possible. Therefore it is not known what the position of the previous officer was on this issue and whether there was any intention to bring the matter to a DMC meeting. It was certainly never noted on the council website or communicated to the residents, is therefore hearsay and is now irrelevant/should be disregarded.

o Para 3,4: Berkhamsted Town Council's objection was properly made



and recorded and it is inappropriate for the Applicants' agent to attempt to circumvent the prescribed process as any such communication should come from the current Planning Officer.

o Para 6, 7: The Council's objections remain valid and unaddressed (and hence should not be withdrawn):

o Objection (1): High standard construction, drainage/CS29/as per original condition: no new data lodged with Dacorum since June addresses this in any substantive manner. The amended Site Management Plan is inadequate, misdirected and totally qualitative in nature. Rather than show how the proposed retention of the existing structure meets these requirements, it seeks to undermine the existing approval's rationale, but does it wrongly by addressing resin bonded surfaces rather than the original applicant's intended resin bound surface. There has been no core drilling/ sampling/ analysis consequently it cannot be demonstrated in any way that the existing loose gravel construction is at a high level of sustainability with adequate drainage. Rather, there is plentiful empirical evidence to the contrary by dint of the pot holes/water pooling and other visible low standards of construction, which is not even sought to be addressed by the spurious requested amendment. Moreover these issues will be unequivocally exacerbated by (1) the construction traffic, (2) the laying of services and (3) increased vehicular traffic from the new houses.

o Objection (2): Inadequate access/CS12/existing application: again, no new data has been lodged addressing how the proposed retention of the existing structure meets this requirement. In fact, it is impossible because retention of loose gravel cannot confer the improved disabled and all user access compliant with CS12 throughout The Oaks which would be a corollary benefit

of the hard surface stipulated in the existing condition. Also, refer to the

original Design & Access Statement lodged 10 July 2018, p 13 and 14, which

stipulates a resin bonded (sic: bound) surface to "make it easier for all users"

and "suitable for access by those with disabilities and the use of a bonded

gravel surface for the shared driveway will make access easier for all".

This

document has not been amended, hence the Planning Approval is conditional

on it being implemented, which makes the Council's objection very valid still.

A further issue here is that the width at the narrowest point from the

boundary of no. 2 to that of no. 1 The Oaks would be only 2.88M if a path is

added. This is less than recommended inbuilding Regulations for normal

access at 3.2M and too narrow for fire engines/ambulances etc. Hence the

condition specifying a hard surface with no path required should be retained.

o Para 8, 9: Specialist consultees: they advise only on the issues of public interest and

statutory/regulatory requirements. Hence the absence of any objections to the surfacing of a private road does not mean there are no issues, merely that they do not fall within their remit, and hence absence of such comments from these departments does not indicate that the amended condition sought meets the required standard of sustainable construction and access; this is the remit of the planning authorities of Dacorum and locally, Berkhamsted, whose objections are still therefore valid.

o Para 11: Laying of Services: now it is apparent that services must be laid along The Oaks and that the arrangements made by the original applicant through 7 Anglefield Road have proven inadequate/unacceptable to the power and gas companies. This work, however arranged, will self-evidently create even more damage to the road than not undertaking it at all and, independent of any assertions to the contrary, will automatically bring with it reduced structural integrity of the road and increased risk to the tree root systems which could be better minimised if implementing the concomitant systematic careful excavation/replacement of the sub-base for a hardsurface installation.

o Para 12, 13 (Entire text of Mr. Waterhouse's email) ,14, 17: Little reliance can be placed on the substance of the comments quoted, firstly due to their general and unsubstantiated nature and secondly as, of course, the original applicant has a commercial obligation to the Applicants by dint of the sizeable consideration paid for the transfer of ownership of The Oaks and the failure to ensure the agreed provision of services as identified above, necessitating further expense for the Applicants. As such there is clearly a conflict of interest preventing a truly independent view. Also, as already detailed above, Mr. Waterhouse has singularly failed to identify to the Planning Authority the "mistake" he made in the original SMP from 2018, of which he subsequently advised residents, in that he intended to specify a Resin Bound and not Resin Bonded finish. Hence all his comments concerning the unsuitability of resin-bonded surfaces should be disregarded as, while qualitative in nature and unsubstantiated, they are in any case irrelevant as the surface under

consideration should be resin bound. Conversely, Mr Waterhouse's original comments in the 2018 SMP concerning the unsuitability of the existing loose gravel surface are still completely relevant and valid and have not been addressed by the Applicants..

- o Regarding the reference to "NHBC current guidance is for 420mm make up under the resin bonded topping", firstly, as shown above, this is irrelevant as resin bonded was an error and the intended surface was/is resin bound. Secondly, no specific document reference is given and a detailed review and search of the NHBC website identifies no such guidance. However what is available and is presented as a definitive standard rather than guidance, is "NHBC Standards section 10.2.6: Drives, Paths and Landscaping", see link <https://nhbc-standards.co.uk/10-external-works/10-2-drives-paths-and-landscaping/10-2-6-drives-paths-and-landscaping/> This clearly shows in table 3 that required depths of make-up (1) depend crucially on the CBR (Californian Bearing Ratio) of the soil, (2) ranges from 100mm to 325mm with no Geotextile membrane, (3) is reduced by 100mm at the 2-3% and 3-5% range if a Geotextile membrane is included and (4) is the same for any type of gravel (table 3 does not differentiate between bonded and loose gravel). Since no core testing samples have been taken/presented the depth of the existing sub-base and its CBR is not known. As pure clay has a value of ~2%, what is present is indubitably higher, probably in the 3-7% range, according to one Ground Contractor expert in local installation of resin bound surfaces, (<http://graveltech.co.uk/>) consulted. At these levels, the depth of sub-base mandated by the NHBC Standard is 150mm-250mm with no membrane and 150mm with a membrane.
- o Information received from Addagrip Terraco (<https://www.addagrip.co.uk/> , a multi £M turnover nationwide driveway construction company) and its groundwork contractor (<http://graveltech.co.uk/>) during and post a site visit to The Oaks confirms that its Addabound resin bound surface is fully applicable for use in this case. It has BBA approval

(<https://www.addagrip.co.uk/286/bba-certification> ), is permeable and SUDS compliant, employs Celweb for tree root protection and has a 15 year warranty, thus ensuring no ongoing maintenance costs for residents for the foreseeable future. The usual construction for Addabound is 150mm of type 1 material, 60mm of permeable tarmac and 18mm of Addabound, making only 228mm in total, well within NHBC standards. See email from Addagrip.

- o Alternatively a block paving alternative could be considered at lower cost, The Landscape Group (<https://www.thelandscape-group.com/> , a leading local company in the field, consulted due to the fact it undertook the last major maintenance of the Oaks and installed the block paving apron at the entrance) has undertaken a site visit and confirmed it envisages no problems in a block paving solution, assuming a 250mm base depth, involving excavation of 100mm and installation of a membrane with options for solid or permeable block paving options.(See proposal).
- o Both resin bound and permeable block paving options are sufficiently porous for the tree roots, and flexible for the forecast traffic and far lower/negligible maintenance and therefore more practical than gravel, which remains far less sustainable more maintenance-intensive and a lower standard than either hard surface option.
- o Para 14, 15,16,17: While a hard surface option is more expensive than inadequately "making good" of the existing gravel surface, in the long term the total cost will be cheaper, avoiding costly maintenance every few years. This cost will be exacerbated by the increased vehicle traffic to/from the new houses and unfairly therefore increase this burden on existing residents. Various vexatious assertions of maintenance costs of hard surfaces have been dispelled above as erroneous, several mistaken "facts" corrected and the mistaken use of the term resin bonded corrected to resin bound. This makes it seem apparent that the motive for seeking to vary the planning condition is solely cost-driven and not technical nor construction or tree protection-driven at all. As the new applicant knew of the existing

planning condition  
at the time of purchase, cost is not an admissible consideration.

- o Para 17: it is not true that specialist officers support the amendment (they merely haven't objected based on their specific remit) and they supported at least to the same extent the original application with its existing conditions. Equally the "specialist consultees' " input has been shown to be not very specialist, as well as irrelevant /inappropriate/conflicted and Mr Waterhouse's latest text invalid, due to his focus on resin bonded surface issues and the lack of rectification of his mistake in terminology of not using the correct term "resin bound".

**CONCLUSION**  
Through the detailed analysis and information given above it has been demonstrated that in consideration of the requested amendment to vary the planning conditions:

- o Berkhamsted Town Council's objections to the amendment on the grounds of lack of a high standard of sustainable construction and inadequate drainage/access (for disabled users and due to reduced width) are valid and the objections should not be withdrawn.
- o The amendment to the Planning Condition addressing the Driveway surface, chiefly the Site Management Plan (SMP) (and any associated documents) should be refused by the Planning Department.
- o Subsequently the conditions/documents should be amended to substitute the term "Resin Bound" wherever "Resin Bonded" is used, due to the admitted mistake of the original applicant and all comments / data on the unsuitability of "Resin Bonded" surfaces in the documents and suitability of loose gravel should be disregarded/ deleted.
- o The SMP should be amended/updated to require the installation of a Resin Bound surface, such as Addagrip's Addabound or equivalent.
- o Exceptionally, there could be consultation on the acceptability of an alternative, permanent driveway proposal such as a block paving option, with permeability requirements to be stipulated by The Planning Department.

Other - failure of the Applicants to provide suitable proposals for adequate surfacing of the driveway during and post construction.

While the residents of 3 The Oaks have no objections to the bulk of the variation in conditions requested to the above-referenced application, they continue to object strongly to the parts addressing the change in

	<p>driveway surfacing. They fully support Berkhamsted Town Council's objections to same, which remain entirely valid. This is for the following main reasons, the full substantiation is in the documentation provided to the planning officer, sent by e mail on 13 November 2020.</p> <ul style="list-style-type: none"> <li>- The current requested amendment is effectively renegeing on a previous applicant commitment to improve the surface of the driveway dating back nearly three years.</li> <li>- The parochial self interest in cost cutting at the expense of quality and the unfair consequent increase in maintenance costs incurred by existing residents due to construction and driveway use by the new residents.</li> <li>- The recently confirmed lack of suitability of the current gravel surface due to demonstrable low standards of construction, tree root protection, drainage/runoff and access for all users and therefore non-compliance with CS29, CS12, and SuDS regulations .</li> <li>- The technically correct initial undertaking to install a new solid surface which will create an automatically higher standard in the above four aspects and be CS29, CS12 and SuDS regulations compliant.</li> <li>- The lack of any analytical, testing or factual data in arguments proffered against a solid surface. None of the documentation lodged by the new applicant justifies the change requested in any quantitative manner, but merely through hearsay and opinion of various inexpert, unspecialised entities, all apparently with a conflict of interest rather than demonstrably independent.</li> <li>- Completely erroneous, misleading and inaccurate criticism of the specified surface type arising solely from a confessed applicant error in terminology used at the time of the original application and lack of assiduity in correcting the error subsequently in planning documentation.</li> <li>- The lack of effort by the applicant to obtain expert input and quotations from specialist hard surfacing companies, which inputs have easily been obtained by the residents (copies given to the planning officer as above).</li> <li>- The confirmation of these inputs that several hard surface options (including that which was mistakenly not originally specified) meet all the technical requirements for durability, drainage and tree protection and confer long term warranties/low maintenance costs for residents as well as full compliance with CS 29, CS12 &amp; SuDS regulations.</li> </ul> <p>Hence the original objections of the residents and Berkhamsted Town Council remain entirely valid and unaddressed, the requested Planning Condition Amendment should be refused and the surface which the original applicant admitted to have intended to specify (or similar) should be mandated.</p>
<p>129 Cross Oak Road Berkhamsted Hertfordshire HP4 3JB</p>	<p>We have no objections/comments to most of the variations to the Approved Conditions sought; however, we have strong objections to the part which seeks to vary the approved Site Management Plan ("SMP") and the Hard &amp; Soft Landscaping Plan, in particular (1) the variance of the existing condition regarding the surfacing of The Oaks itself during and after the construction works; and (2) the creation of inadequate access by dint of the proposed pathway since these contravene many parts of relevant Core Strategies, including CS9, CS12,CS29, CS31, CS32 and applicable SuDS regulations, as detailed in the body of our objections set out below.</p>

We assume that the current applicant bought the site in November 2019 knowing that Planning Permission ref. 4/01684/18/FUL was subject to the current conditions including no.2 stipulating adherence to the Site Management Plan. The current applicant also varied some aspects of the approval in November 2019 in ref 10/02793/DOC but did not seek to vary the Site Management Plan at that time.

The original applicant who sought permission to build on this site was E J Waterhouse, a well-known local professional builder /developer. On page 2 of the existing SMP under the heading "Phase 2 driveway construction" he stated that "The existing drive is hardcore with a gravel topping. This is not suitable for construction traffic and will degrade over the period of construction. It is also not now deemed an appropriate finish for Tree Protection areas". This clearly remains the case! The SMP which was then incorporated into the planning permission included installation of a new subsurface/type 3 stone / 70mm tarmac prior to the commencement of the construction to be finished with a 70mm resin bound surface after completion. We believe this was the correct approach, as approved by Planning.

Issues with the amended Site Management Plan.

The applicant states that it is the residents of The Oaks who are responsible for the maintenance of the road. This is incorrect: as stipulated in the title deeds to various properties in the Oaks and Cross Oak Road, between predecessors (to the applicant) in title to The Oaks and the residents, it is the applicant as current owner of the road who is responsible for the repair and maintenance of the road, subject to the residents paying a fair proportion of the cost.

If the variation to the SMP were granted, this would be manifestly unfair to the existing residents, as the construction damage to the Road inevitably could not be completely remedied by "making good" and hence a consequent financial burden of eventual repair in ensuing years would be unreasonably placed onto existing residents.

It states that resin-bonded /bound surfaces are not suitable/often fail. This is not accurate: advice has been sought from a leading supplier and its favoured Groundwork Contractor (Addagrip Terraco Ltd and Graveltech) and they have confirmed that their Addaset resin bound surface is completely applicable to a private road such as The Oaks (see NBBA Certificate 16/5288) and is supplied with a 15 year warranty, which would hardly be the case if not suitable for domestically-trafficked roads! Therefore, the statement that costly remedial works to a resin-bound surface would be required, and the view of Stephen Johnson in his letter to the applicant dated 26 May 2020 should be discounted being only a personal opinion without any kind of evidence to support it.

The SMP also states the existing surface is compatible with other drives nearby: this is irrelevant as other drives serve one property not the six properties that The Oaks will be serving.

The SMP states that the existing surface offers good drainage: this is false as can be seen with the large pools of standing water prevalent on the existing drive after any significant precipitation.

The SMP states that recent maintenance has been poor. In response, it should be noted that the likelihood of this development has been looming for 5 years and so it was considered inappropriate for any major maintenance work to be conducted until these current plans were concluded. Consequently, the only maintenance completed in those 5 years was the remedial work required following completion of building works to my property in 2017. Although the work on my property was far less invasive than the current proposals, it became clear that the driveway was far from suitable for construction traffic, particularly during heavy rain, when half of the The Oaks towards Cross Oak Road became a mess with mud and puddles.

Over the years we have contributed to several maintenance updates at a cost of £000s each time. As the letter from Stephen Johnson submitted by the applicant confirms "I would strongly advise against implementing any works on the road until such time as the major part or all of the deliveries to the site are over. The trafficking with goods vehicles generally gives rise to damage which will detract from the appearance of the new surface." This is the exact reason why the original applicant, Mr. Waterhouse, whose company built the original roadway and therefore knew better than anyone its limits, committed to installing a tarmac finish prior to construction being commenced. Mr. Waterhouse had also witnessed the impact of my comparatively minor building works (versus clearance of derelict land and construction of two new houses) on the driveway, which clearly influenced his decision to change the surface.

The SMP states that the existing surface is suitable for construction traffic and tree root protection: this seems to be on the basis of opinion only (Patrick Styleman, arboricultural consultant / Hereditas Limited) and not supported by any analysis, hence should be disregarded. Hereditas seem to be "excavating contractors". They do not appear to have carried out any detailed investigation of the drive.

The original professional developer (not a private individual) stated that the driveway is not suitable for construction traffic and will degrade over the period of construction.

The Oaks' residents' Groundwork Contractors (Graveltech, as above) advise this cannot possibly be known without professional core drilling, sampling and analysis.

The existing surface is certainly demonstrably not SuDS compliant (see regulations, 2010) which the surface stipulated in the existing condition certainly and certifiably will be and hence the opportunity should be taken to address this through this development to ensure its compliance to SuDS regulations. This will reduce excess water runoff and reduce the risk of flooding.

At "Phase 3, development construction", the existing SMP provides for a jet wash to be kept on site to ensure vehicles can be cleaned before leaving the site and the new tarmac drive be kept clean and mud free. The applicant's proposed plan makes no provision at all for cleaning the driveway on The Oaks during the construction works. Rather, the applicant appears to be concerned with egress on to Cross Oak Road, not The Oaks.

Compliance with applicable constraints to the Planning Permission: the existing surface would seem to not fully comply with the following constraints:



EA Source Protection Zone 2 & 3: the amount of Runoff from the existing road surface is unacceptably high: the road has been compacted over the years despite regular maintenance and now there is considerable runoff from the surface, retaining this surface vis the sought amendment will therefore conflict with CS29 part(d) and not comply with SuDS regulations and further conflict with CS 31 part (b). The porosity of the existing surface is insufficient, so that rain does not seep into the ground instead runs off into drains or down the road. Conversely the modern approved surface stipulated in the existing Planning Condition will allow appropriate drainage of rainwater, prevent runoff and fully comply with CS29, CS31 and SuDS regulations (2010).

TPO (and other) tree protection: there has been no adequate analysis to demonstrate that the roots of these trees will be adequately protected by the existing road surface and the guessed-at measures of minimal Celweb and "Matting". Certainty can be achieved only by careful excavation/a new sub-base per the Waterhouse Site Management Plan and/or the Addagrip proposals.

The amendment to the approved SMP Condition 2 appears in conflict with CS9, which states "The traffic generated from new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy". As demonstrated previously the existing road (as called for in the amendment) is not compatible with either the increased traffic from construction, nor from >50-100% (dependent on sub-area of the road) routine traffic, whereas the existing SMP's stipulation of surface is carefully specified to be compatible with both.

The amended SMP conflicts with CS12. Specifically, by installing the new path to the south of the road boundary the width of the road will be reduced significantly, particularly at its narrowest point. This will reduce access to vehicles to an unacceptable extent and risk damage to vehicles legitimately kept within the boundaries of 129 Cross Oak Road and 1, 2 and 3 The Oaks. (conflict with CS12, parts (a) and (b) and parts of (g).

Parking Accessibility Zone the pooling of the gravel/shingle makes access difficult especially disabled access. The new path will aid disability access to the new properties but reduce vehicular access as outlined above, (conflict with CS12 part (a)), whereas the existing approved resin-bound surface will not reduce vehicular access at all and will allow disabled access throughout The Oaks and complies with all parts of CS12.

Retention of the existing surface prevents the improvement in compliance with CS32, in terms of the Noise Pollution arising from vehicular impact on the loose gravel surface, which will be eliminated through implementation of the approved SMP.

**Conclusion:**

The requested amendment to the Site Management and Landscaping Plans specifies a road surface which is inadequate for drainage regulations, tree root protection and withstanding construction/increased traffic and is in contravention of at least seven applicable Core Strategies, including CS9, CS12, CS29, CS31, CS32 and the relevant SuDS regulations, as explained in the body of our objections above.

Conversely the surfaces specified in the existing approved Site

Management Plan/Condition meet the requirements of all elements of the Core Strategy contravened by the requested amendment, as set out above:

- are suitable for use for the construction and increased level of traffic and
- will be warranted for 15 years
- will adequately protect TPO and other trees
- will provide suitable cleaning during the construction period
- will meet current drainage SuDS regulations
- will not increase unfairly the maintenance cost burden of The Oaks to its existing residents arising solely from the development project.

Therefore we request that Officers should recommend refusal of the amendments sought to the Site Management Plan and Hard & Soft Landscaping Plan.

Comments of residents of 129 Cross Oak Road on Planning Application 20/01403/ROC

We repeat our strong objections to the variation in conditions relating to the proposed change in driveway surfacing requested in the above-referenced application and support the objections posted by Berkhamsted Town Council.

Full documents supporting our objections have been submitted to the Planning Dept. Several key points are noted here:

- The requested amendment reneges on a previous applicant commitment to improve the surface of the driveway.
- The proposed retention of the current gravel surface will not provide an adequate standard of construction, tree root protection, drainage and access for all users and so will not comply with CS29, CS12 and SuDS regulations.
- The undertaking in the initial approved planning application to install a new solid surface would create an automatically higher standard in the above four aspects and be CS29, CS12 and SuDS regulations compliant.
- The arguments put forward by the applicant for the change lack any analytical, testing or factual data. In addition, the support for the changes by the original applicant is in direct conflict with the comments in his original submission stating that the existing gravel surface was unsuitable to handle construction traffic, for tree root protection, drainage and was outdated.
- The applicant has made no effort to obtain substantive expert / industry evidence to provide answers to the objections raised by BTC.
- The cost cutting achieved by this requested change is at the expense of quality and will result in an unfair increase in maintenance costs incurred by existing residents due to construction and driveway use by the new residents.

	<p>- There is confirmation from technical experts that several hard surface options meet all the technical requirements for durability, drainage and tree protection and confer long term warranties/low maintenance costs for residents.</p> <p>In conclusion, our original objections and those of Berkhamsted Town Council remain entirely valid and unaddressed. The requested Planning Condition Amendment should be refused and the surface which the original applicant intended to specify (or similar) should be mandated.</p>
<p>1 The Oaks Berkhamsted Hertfordshire HP4 3JN</p>	<ul style="list-style-type: none"> <li>- While the residents of 1 The Oaks have no objections/comments to most of the variations to the Approved Conditions sought, we have strong objections to the part which seeks to vary the approved Site Management Plan ("SMP") and the Hard &amp; Soft Landscaping Plan, in particular (1) the variance of the existing condition regarding the surfacing of The Oaks itself during and after the construction works; and (2) the creation of inadequate access by dint of the proposed pathway since these contravene many parts of relevant Core Strategies, including CS9, CS12, CS29, CS31, CS32 and applicable SuDS regulations, as detailed in the body of our objections set out below.</li> <li>- The current applicant bought the site in November 2019 knowing that Planning Permission ref. 4/01684/18/FUL was subject to the current conditions including no.2 stipulating adherence to the Site Management Plan.</li> <li>- The current applicant varied some aspects of the approval in November 2019 in ref 10/02793/DOC but did not seek to vary the Site Management Plan condition, only addressing that now, 7 months later.</li> <li>- The original applicant who sought permission to build on this site was E J Waterhouse, a well-known local professional builder/developer. On page 2 of the existing SMP under the heading "Phase 2 driveway construction" he stated that "The existing drive is hardcore with a gravel topping. This is not suitable for construction traffic and will degrade over the period of construction...It is also not now deemed an appropriate finish for Tree Protection areas". This clearly remains the case! The SMP which was then incorporated into the planning permission included installation of a new subsurface/type 3 stone/70mm tarmac prior to the commencement of the construction to be finished with a 70mm resin bound surface after completion. The residents of 1 The Oaks believe this was the correct approach, as approved by Planning.</li> <li>- Issues with the amended Site Management Plan: <ul style="list-style-type: none"> <li>- The applicant states that it is the residents of The Oaks who are responsible for the maintenance of the road. This is incorrect: as stipulated in the title deeds to various properties in the Oaks and Cross Oak Road, between predecessors (to the applicant) in title to The Oaks and the residents, it is the applicant as current owner of the road who is responsible for the repair and maintenance of the road, subject to the residents paying a fair proportion of the cost.</li> <li>- If the variation to the SMP were granted, this would be manifestly unfair to the existing residents, as the construction damage to the Road inevitably could not be completely remedied by "making good" and</li> </ul> </li> </ul>

hence a consequent financial burden of eventual repair in ensuing years would be unreasonably placed onto existing residents.

- It states that resin-bonded /bound surfaces are not suitable/often fail. This is not accurate: advice has been sought from a leading supplier and its favoured Groundwork Contractor (Addagrip Terraco Ltd and Graveltech) and they have confirmed that their Addaset resin bound surface is completely applicable to a private road such as The Oaks (see NBBA Certificate 16/5288) and is supplied with a 15 year warranty, which would hardly be the case if not suitable for domestically-trafficked roads! Therefore, the statement that costly remedial works to a resin-bound surface would be required, and the view of Stephen Johnson in his letter to the applicant dated 26 May 2020 should be discounted being only a personal opinion without any kind of evidence to support it.
- The SMP also states the existing surface is compatible with other drives nearby: this is irrelevant as other drives serve one property not the six properties that The Oaks will be serving.
- The SMP states that the existing surface offers good drainage: this is false as can be seen with the large pools of standing water prevalent on the existing drive after any significant precipitation.
- The SMP states that recent maintenance has been poor. In response, it should be noted that the likelihood of this development has been looming for 5 years and during that time, a large development project was concluded at the corner with Cross Oak Road which made any subsequent maintenance project inappropriate until these current plans were concluded. Indeed, during those extension works, which were far less invasive than the current proposals, it became clear that the driveway was far from suitable for construction traffic, as recorded in photographs from the time. The residents of 1 The Oaks have contributed to several maintenance updates every few years at a cost of £000s each time. As the letter from Stephen Johnson, submitted by the applicant, confirms "I would strongly advise against implementing any works on the road until such time as the major part or all of the deliveries to the site are over. The trafficking with goods vehicles generally gives rise to damage which will detract from the appearance of the new surface." This is the exact reason why the original applicant, Mr. Waterhouse, whose company built the original roadway and therefore knew better than anyone its limits, committed to installing a tarmac finish prior to construction being commenced.
- The SMP states that the existing surface is suitable for construction traffic and tree root protection: this seems to be on the basis of opinion only (Patrick Styleman, arboricultural consultant / Hereditas Limited) and not supported by any analysis, hence should be disregarded.
- Hereditas seem to be "excavating contractors". They do not appear to have carried out any detailed investigation of the drive.
- The original professional developer (not a private individual) stated that the driveway is not suitable for construction traffic and will degrade over the period of construction.
- The Oaks' residents' Groundwork Contractors (Graveltech, as above) advise this cannot possibly be known without professional core drilling, sampling and analysis.
- The existing surface is certainly demonstrably not SuDS compliant (see regulations, 2010) which the surface stipulated in the existing condition certainly and certifiably will be and hence the opportunity should be taken to address this through this development to ensure its

compliance to SuDS regulations. This will reduce excess water runoff and reduce the risk of flooding.

- At "Phase 3, development construction", the existing SMP provides for a jet wash to be kept on site to ensure vehicles can be cleaned before leaving the site and the new tarmac drive be kept clean and mud free. The applicant's proposed plan makes no provision at all for cleaning the driveway on The Oaks during the construction works. Rather, the applicant appears to be concerned with egress onto Cross Oak Road, not The Oaks. During previous recent construction works, The Oaks was rendered almost impassable at times with mud and puddles.
- Compliance with applicable constraints to the Planning Permission: the existing surface would seem to not fully comply with the following constraints:
  - EA Source Protection Zone 2 & 3: the amount of Runoff from the existing road surface is unacceptably high: the road has been compacted over the years despite regular maintenance and now there is considerable runoff from the surface, retaining this surface vis the sought amendment will therefore conflict with CS29 part(d) and not comply with SuDS regulations and further conflict with CS 31 part (b). The porosity of the existing surface is insufficient, so that rain does not seep into the ground instead runs off into drains or down the road. Conversely the modern approved surface stipulated in the existing Planning Condition will allow appropriate drainage of rainwater, prevent runoff and fully comply with CS29, CS31 and SuDS regulations (2010).
  - TPO (and other) tree protection: there has been no adequate analysis to demonstrate that the roots of these trees will be adequately protected by the existing road surface and the guessed-at measures of minimal Celweb and "Matting". Certainty can be achieved only by careful excavation/a new sub-base per the Waterhouse Site Management Plan and/or the Addagrip proposals.
  - The amendment to the approved SMP Condition 2 appears in conflict with CS9, which states "The traffic generated from new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy". As demonstrated previously the existing road (as called for in the amendment) is not compatible with either the increased traffic from construction, nor from >50-100% (dependent on sub-area of the road) routine traffic, whereas the existing SMP's stipulation of surface is carefully specified to be compatible with both.
  - The amended SMP conflicts with CS12. Specifically, by installing the new path to the south of the road boundary the width of the road will be reduced significantly, particularly at its narrowest point.
  - This will reduce access to vehicles to an unacceptable extent and risk damage to vehicles legitimately kept within the boundaries of 129 Cross Oak Road and 1,2 and 3 The Oaks. (conflict with CS12, parts (a) and (b) and parts of (g)).
  - Parking Accessibility Zone the pooling of the gravel/shingle makes access difficult especially disabled access. The new path will aid disability access to the new properties but reduce vehicular access as outlined above, (conflict with CS12 part (a)), whereas the existing approved resin-bound surface will not reduce vehicular access at all and will allow disabled access throughout The Oaks and complies with all parts of CS12.

- Retention of the existing surface prevents the improvement in compliance with CS32, in terms of the Noise Pollution arising from vehicular impact on the loose gravel surface, which will be eliminated through implementation of the approved SMP.
- Conclusion:
- The requested amendment to the Site Management and Landscaping Plans specifies a road surface which is inadequate for drainage regulations, tree root protection and withstanding construction/increased traffic and is in contravention of at least seven applicable Core Strategies, including CS9, CS12, CS29, CS31, CS32 and the relevant SuDS regulations, as explained in the body of our objections above.
- Conversely the surfaces specified in the existing approved Site Management Plan/Condition meet the requirements of all elements of the Core Strategy contravened by the requested amendment, as set out above:
  - are suitable for use for the construction and increased level of traffic and will be warranted for 15 years
  - will adequately protect TPO and other trees
  - will provide suitable cleaning during the construction period
  - will meet current drainage SuDS regulations
  - will not increase unfairly the maintenance cost burden of The Oaks to its existing residents arising solely from the development project.
- Therefore we request that Officers should recommend refusal of the amendments sought to the Site Management Plan and Hard & Soft Landscaping Plan.

While the residents of 1 The Oaks have no objections to the bulk of the variation in conditions requested to the above-referenced application, they continue to object strongly to the parts addressing the change in driveway surfacing. They fully support Berkhamsted Town Council's objections to same, which remain entirely valid. This is for the following main reasons, the full substantiation for which is given in documentation provided to the Planning Officer.

- The current requested amendment is effectively renegeing on a previous applicant's commitment to improve the surface of the driveway and recognition of the inadequacy of the existing surface dating back nearly three years.
- The apparent applicant's sole interest in cost cutting at the expense of technical quality and the unfair consequent increase in maintenance costs incurred by existing residents due to construction and driveway use by the new residents.
- The recently confirmed lack of suitability of the current gravel surface due to demonstrable low standards of construction, tree root protection, drainage/runoff and access for all users and therefore non-compliance with CS29, CS12, and SuDS regulations .
- The technically correct initial undertaking and planning condition to install a new solid surface which will create an automatically higher standard in the above four aspects and be CS29, CS12 and SuDS regulations compliant.
- The lack of any analytical, testing or factual data in arguments proffered against a solid surface. None of the documentation lodged by the new applicant justifies the change requested in any quantitative manner, but merely through hearsay and opinion of various inexpert, unspecialised entities, all apparently with a conflict of interest rather than demonstrably independent.

	<ul style="list-style-type: none"><li>- Completely erroneous, misleading and inaccurate criticism of the specified surface type arising solely from a confessed applicant error in terminology used at the time of the original application (resin bonded) and lack of assiduity in correcting the error subsequently in planning documentation (to resin bound).</li><li>- The lack of effort by the applicant to obtain expert input and quotations from specialist hard surfacing companies, which inputs have easily been obtained by the residents (copies provided to Planning Officer).</li> <li>- The confirmation of these inputs that several hard surface options (including that which was mistakenly not originally specified but was meant to be: resin bound) meet all the technical requirements for durability, drainage and tree protection and confer long term warranties/low maintenance costs for residents as well as full compliance with CS 29, CS12 &amp; SuDS regulations. Hence the original objections of the residents and Berkhamsted Town Council remain entirely valid and unaddressed, the requested Planning Condition Amendment should be refused and the surface which the original applicant admitted to have intended to specify (resin bound or similar, e.g. block paving) should be mandated.</li></ul>
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