

**ITEM NUMBER: 5f**

<b>21/01261/FUL</b>	<b>Demolition of Garage/Outbuildings and the construction of a detached bungalow and carport (amended scheme).</b>	
<b>Site Address:</b>	<b>93-95 High Street Markyate St Albans Hertfordshire AL3 8JG</b>	
<b>Applicant/Agent:</b>	<b>Bristow</b>	<b>Mr Andrew Whiteley</b>
<b>Case Officer:</b>	<b>Briony Curtain</b>	
<b>Parish/Ward:</b>	<b>Markyate Parish Council</b>	<b>Watling</b>
<b>Referral to Committee:</b>	<b>Contrary views of Parish Council</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED.

**2. SUMMARY**

2.1 The site is situated within the large village of Markyate wherein the principle of housing development is acceptable in line with Policies CS1 and CS4 of the Core Strategy 2013. Policy 10 of the DBLP promotes the effective and efficient use of urban land. Therefore, consideration of this application rests on appearance, impact on street scene and heritage assets (listed buildings and conservation Area) impact on neighbouring properties and highway safety.

2.2 This application is an amended scheme following the refusal of application 20/01843/FUL. Members refused permission for the construction of a detached one and a half storey dwelling due to the adverse impact on the adjacent properties. The size, scale and height of the dwelling was considered to affect privacy, result in an unacceptable sense of enclosure and appear visually intrusive.

2.3 The development now seeks permission for a single storey dwelling which is considered to integrate with its surroundings. The size, scale, design and siting of the property respects its setting and context without causing harm. Given its limited height, the proposal would not result in material detriment to adjoining residential amenities. The proposals utilise the existing vehicular access point. Given a single unit is proposed, adequate parking is provided (car port and driveway) and the fact there is no change to existing access arrangements the proposal would not give rise to adverse highway issues.

2.4 The sub-division of the plot is considered to be acceptable and would not have a significant impact upon the character and appearance of the surrounding area or residential amenity of surrounding properties. Sufficient amenity space and residential amenity is provided for future occupants.

2.5 The proposed development therefore complies with the National Planning Policy Framework (2018), Policies CS1, CS4, CS10, CS11, CS12, CS17, CS26 and CS26 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99 and 100 and Appendices 3 and 5 of the Local Plan (2004).

**3. SITE DESCRIPTION**

3.1 The application site is located to the north-eastern side of the High Street in Markyate and comprises a parcel of land to the rear of No.s 93-95. The site is currently very overgrown and comprises a dilapidated outbuilding. The site is only accessed via the rear garden and parking area of No.s 93-95 via an archway onto the main High Street.

**4. PROPOSAL**

4.1 It is proposed to clear the rear of the site, demolish the outbuilding and construct a detached single storey three bedroom dwelling.

4.2 The plans have been amended during the course of the application to address the comments of the Conservation Officer, the roof pitch has been increased and the elevations have been broken up (timber cladding on brick plinth).

## **5. PLANNING HISTORY**

### Planning Applications

19/02994/FUL - Demolition of garage/outbuildings and the construction of one new detached house and carport  
*REF - 4th February 2020*

20/01843/FUL - Demolition of Garage/Outbuildings and construction of a detached house and carport  
*REF - 4th February 2021*

4/00784/79 - Historic File Check DMS for Documents and Further Details  
*DET - 12th July 1979*

4/02872/18/FUL - Demolition of garage/outbuildings and construction of three 2 bedroom terraced houses with associated parking  
*WDN - 11th June 2019*

## **6. CONSTRAINTS**

Area of Archaeological Significance: 2  
EA BankTop EPlanning Tool: Banktop 20m Buffer  
CIL Zone: CIL3  
Markyate Conservation Area  
EA: Flood Zone 2  
EA: Flood Zone 2  
EA: Flood Zone 3  
Former Land Use (Risk Zone):  
Large Village: Markyate  
Listed Building, Grade: II,  
Listed Building, Grade: II,  
Parish: Markyate CP  
RAF Halton and Chenies Zone: Green (15.2m)  
Residential Area (Town/Village): Residential Area in Town Village (Markyate)  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3

## **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**

Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 – Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 – Water Management

Supplementary Planning Guidance/Documents:

Parking Standards (Supplementary Planning Document (Nov 2020)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### Principle of Development

9.2 The site is situated within the large village of Markyate, where, in accordance with Policy CS4 of the Core Strategy, residential development would be acceptable in principle subject to a detailed assessment of its impact.

9.3 The site is also situated within Flood Zones 1 (lowest risk of flooding), 2 and 3 (highest risk of flooding). The NPPF makes clear that a sequential, risk-based approach should be taken to the location of development. Para 158 of the NPPF sets out that the aim of the sequential test is to steer development to areas with the lowest flood risk. Development should not be permitted if there are other sites appropriate in the area with a lower probability of flooding (the sequential test).

9.4 The sequential test has been applied and the new dwelling (building) would now be sited within Zone 1 and thereby avoiding areas of the site at higher flood risk (zones 2 and 3). The principle of

residential development in this location is thus acceptable subject to a detailed assessment of its impact.

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

9.6 The NPPF encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that is underused or has been previously developed. Saved Policy 10 of the Local Plan (2004) echoes this and seeks to optimise the use of available land within urban areas.

#### Quality of Design / Impact on Visual Amenity / Heritage Assets

9.7 The overall quantum and scale of the proposed development is considered acceptable. The site is of sufficient size to accommodate the single dwelling proposed with sufficient private amenity space and parking being provided in and around the building without appearing cramped or over developed.

9.8 Turning to its design and layout, the site is located in close proximity to several Grade II listed buildings and within the Markyate Conservation Area. Policy CS27 of the Core Strategy (2013) requires all development to favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and un-designated assets will be protected, conserved and if appropriate enhanced. The NPPF (para 189) makes clear that in determining applications the LPA should require applicants to describe the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal. The development involves the demolition of some outbuildings which may be attached / affect the structural integrity of adjacent listed structures / buildings.

9.9 The application is supported by a revised heritage statement which sets out the significance of surrounding heritage assets and a full impact assessment has therefore been undertaken by the Council's Conservation Officer.

9.10 The Heritage Statement concludes that the proposed development would have a relatively low impact on the adjacent listed buildings and this part of the Markyate Conservation Area. The Council's conservation Officer agrees with these findings. The development forms backland development and therefore given its setting within the Conservation Area and behind/adjacent listed buildings should appear modest and subservient when compared to the historic existing houses facing the High Street.

9.11 The scale of the dwelling and the fact it is now single storey mean it will clearly appear subservient in its context. The design of the building has been amended during the course of the application in line with the comments of the conservation officer; the pitch of the roof have been increased and the elevations have been broken up to better reflect the surroundings (steeply pitched clay roofs). As amended, the design, detailing, form and single storey height now proposed are now considered acceptable. The dwelling is one storey in height to ensure it does not dominate or distract from the historic high street properties, and the design as amended is acceptable. The timber cladding with a brick plinth help to give the appearance of a more traditional vernacular building expected to be found to the rear of the higher status buildings to the high street. The proposal respects and responds to the character of the conservation area to comply with Policy CS27.

9.12 Concern was originally expressed in relation to the car port (which was omitted as part of the previous scheme) and its impact on the setting of the adjacent listed buildings/conservation area,

however given its concealed location it is not considered that a refusal on this element alone could be sustained. The applicant/agent is not willing to omit the car port as its inclusion in the scheme is a specific request from the nearest neighbour.

9.13 The development does not result in harm to the significance of heritage assets. Notwithstanding this in accordance with para 196 of the NPPF even if less than substantial harm were caused, the public benefits the scheme provides, namely the provision of an additional market dwelling would outweigh the very limited harm identified.

9.14 The proposal is considered acceptable in terms of its layout, siting and design and it is concluded to preserve the integrity, setting and distinctiveness of the surrounding heritage assets. The proposals comply with Policies CS11, CS12, and CS27 of the Core Strategy 2013 and section 16 of the NPPF.

#### Impact on Residential Amenity (surrounding properties and future occupants)

9.14 Members concluded that the previous one and half / two storey dwelling was harmful to the adjacent properties, appearing dominant and intrusive and they refused application on these grounds.

9.15 The dwelling now proposed is single storey and as such would be much less prominent. Given its siting the building would still be visible from surrounding properties but not to such a degree as to appear oppressive or visually intrusive. The height and design means there would be no overlooking or privacy concerns to neighbouring properties and no adverse impact in terms of loss of light or over shadowing.

9.15 The dwelling is sited at an acceptable distance from both the High Street properties and those to the rear in Roman Way. The separation distances would ensure an acceptable level of privacy is maintained and that the new dwelling would not result in visual intrusion. Some properties adjacent to the site, along the high street, have rear ranges which project closer to the proposed dwelling but these either don't have rear facing habitable rooms or feature high level windows only such that there would be no significant intensification of overlooking levels.

9.16 Given the built up setting there is already a high level of mutual overlooking. The rear garden areas and rear facing windows of the High street properties are already overlooked from the application site. As such it is concluded a refusal on these grounds alone could not be sustained.

9.17 The adjacent property No. 97 has an extant planning permission to convert an existing barn into additional residential accommodation that includes a rear facing window. The works have not yet been undertaken. The previous application was refused partly due to the harm caused were those conversion works to be implemented. The current plans clearly show the position of the future window and demonstrate that the proposed dwelling, given its limited height would not have a significant adverse impact with regard to light, privacy or visual intrusion.

9.18 Turning to the residential amenity of future occupants, the building is set over 23m away from the main rear walls of existing dwellings to ensure an acceptable level of privacy, each habitable window has an acceptable outlook and aspect, and the property is served by a private, enclosed rear garden which is of functional size and shape to accord with Policy guidelines (exceeding the minimum 11.5m depth required in appendix 3 of the DBLP).

#### Impact on Highway Safety and Parking

9.18 Given the scale of the development at a single three-bedroom unit, it is concluded that the development would not have a severe residual impact on the safety or operation of the adjacent High Street.

9.19 The new unit would be accessed via an existing vehicular archway to the High Street, which is narrow at only 2.9m wide and given the stagger of the building line has limited visibility in both directions. However Herts County Council (HCC) have raised no objection and consider the intensity of use generated by the single dwelling, compared to the unrestricted current use would not give rise to significant concerns. If to be granted an informative suggesting 'H' markings to the access way should be included as noted by HCC.

9.20 The proposal complies with the Parking Standards Supplementary Planning Document (Nov 2020). The site is located in Zone 3 and provides sufficient on-site parking spaces to serve the 3-bedroom unit proposed. A minimum of 2.25 allocated spaces would be required. The plans show 4 off street parking spaces and sufficient space remains to the front of the proposed dwelling to allow turning space to ensure vehicles can enter and exit the site in a forward gear. Three spaces would serve the proposed dwelling and one the existing property (93-95). A condition will be included requiring details of at least one electric charging point. The proposed parking meets the standards and as such are acceptable.

9.21 Concern has been raised by locals in relation to the loss of existing parking but it is understood that there are no formal parking spaces serving the high street properties, they have just been allowed to park on this land over the years. Access could be prevented at any time and as such any loss of parking has been given limited weight in current considerations. A single space would serve the existing dwelling which is considered acceptable given there are currently no formal parking spaces serving it.

9.22 With the inclusion of the conditions as requested by Hertfordshire County Council Highways the proposal would provide sufficient parking provision to serve the dwelling and would not result in significant harm to the safety or operation of the adjacent highway.

9.22 Given the restricted access to the site, through a coach/archway access in the Listed Building and the busy high street location it is considered necessary and reasonable to require details of a construction management plan.

## Other Material Planning Considerations

### Trees / Landscaping

9.22 Some existing trees across the site and within adjacent sites will be lost and affected by the proposed new dwelling. A tree report accompanies the submission and sets out which trees would be affected and how those to be retained would be protected during construction. The Council's Woodlands Officer has been consulted and is satisfied that the details submitted are acceptable. The existing trees within the development area are not worthy of retention or protection. A condition will be imposed ensuring the development is constructed in accordance with the submitted details.

### Ecology

9.23 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, minimising the impacts on and providing net gains for biodiversity. Policy CS2 states that the Green Infrastructure Network will be protected, extended and enhanced, and that development and management action will contribute towards:

- ☐ the conservation and restoration of habitats and species;
- ☐ the strengthening of biodiversity corridors;
- ☐ the creation of better public access and links through green space; and a greater range of uses in urban green spaces.

9.24 The existing site is overgrown, comprises dilapidated outbuildings and contains numerous trees/shrubs. The site would be cleared as part of the proposals. A Preliminary Ecological Appraisal has been submitted and the County Ecologist is satisfied with its content and recommendations.

9.25 With regard to bats the appraisal found no evidence or the potential for the presence of bats within the outbuildings however since the outbuildings are proposed for demolition, it has been advised that a precautionary approach to the works is taken and an informative added to any permission.

9.26 The submitted Ecology report highlights a potential for the presence of nesting birds and hedgehogs. These species are protected by National legislation and suitable mitigation measures are recommended and should be followed in full. A condition requiring this will be included.

9.27 Lastly with regard to biodiversity the County Ecologist notes '*The proposals will require the removal of a number of shrubs and trees and loss of areas of garden, this will cause a local loss of biodiversity that is not replaced in the proposed plans. The NPPF and emerging legislation provide an increased emphasis on developments delivering a biodiversity net gain. The ecological report, in addition to compensatory nesting boxes for birds, recommends enhancements for birds, bats and hedgehogs. Whilst these are not strictly measures that will increase biodiversity, they do provide ecological opportunities for protected species at a scale proportionate to the development. Consequently, I would support their inclusion in any final approved plans.* Subject to the inclusion of a compliance condition the proposed development would comply with the NPPF and Policy CS26.

### Archaeology

9.28 The site is within an area of Archaeological Significance. The County archaeologist has been consulted and concludes the development is likely to have an impact on heritage assets of archaeological interest. However, he is satisfied that the inclusion of pre-commencement conditions requiring a full WSI would provide the necessary levels of investigation and would be sufficient to safeguard and protect potential heritage assets. The use of pre-commencement conditions has been agreed with the agent.

### Contamination

9.29 The application is for the introduction of a residential land use on to a site that has been previously developed and so the possibility of the presence of ground contamination that could adversely impact the proposed development and its future residents cannot be ruled out at this time. However, as with archaeology, further investigations prior to the development commencing would need to be undertaken. The Council's scientific Officer is satisfied that conditions requiring full investigations and mitigation / remedial works would be sufficient to ensure any contamination is identified and remediated accordingly.

### Flood Risk

9.30 As set out in the principle section above, since the refusal of previous schemes the new dwelling has now been sited wholly within Flood Zone 1 which is at lowest risk of flooding. The

proposal therefore complies with the NPPF sequential test in this regard and is acceptable in principle.

9.31 The application is accompanied by a Flood Risk Assessment (FRA) which assesses the impact of the development on flood risk across the site and wider area and goes on to set out mitigation measures to prevent future flooding. The Environment Agency has been consulted and are satisfied with its content and recommendations. Conditions have been requested and it is considered necessary and reasonable to include them.

9.32 Based on the relocation of the building/dwelling to Zone 1 and the submitted FRA the proposal is acceptable and complies with Policy CS31 and the NPPF.

#### Refuse

9.33 Refuse would be collected from the High Street in the same way that it is currently. Bins would be stored to the front of the dwelling and transported to the high street for collection as per the existing high street properties.

#### Fire Access.

9.34 Herts Fire and Rescue were consulted as part of the previous application for a larger dwelling and confirmed that they have no objection to the proposal. Whilst a fire appliance would not be able to access the site due to the restricted cartway/archway the dwelling proposed is located within the specified distance (within 45m of the appliance location).

#### Permitted Development

9.35 Given the sensitivity of the site, its size and its position in relation to surrounding residential properties careful consideration would need to be given to future development. To enable the Local Planning Authority to retain some control it is considered reasonable and necessary to remove permitted development rights from the dwelling with regards to extensions (Class A and B) roof alterations (Class C) and outbuildings (Class E).

#### Community Infrastructure Levy (CIL)

9.36 The development is CIL liable.

#### Response to Neighbour comments / parish objections.

9.37 One representation has been received from an adjacent property. No objections are raised to the dwelling itself but concerns are raised in relation to insufficient parking for the existing high street property (93-95 High Street). The Parish Council also object on these grounds. This matter is addressed in full above. The suggestion that the building be moved back to provide more parking to the front would be unacceptable as the building would then be in a high risk Flood Zone and contrary to national and local planning policy. Whilst it is acknowledged that the existing property currently parks to the rear this is not a formal arrangement and could therefore be prevented at any time and as such little weight can be attached to the displacement and a refusal on this ground alone could not be sustained. One space is provided for use and this is considered preferable to the previous proposal which included none.

## **10. RECOMMENDATION**



**10.1** It is recommended that planning permission be **GRANTED** subject to the following conditions:

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

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:**

**BURG/22105/BUNGIF rev X  
Location plan**

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

- 3. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

**(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- (ii) The results from the application of an appropriate risk assessment methodology.**

**(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.**

- (d) This site shall not be occupied, or brought into use, until:**

**(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**

**(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

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

4. **All remediation or protection measures identified in the Remediation Statement referred to in Condition 3; above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

5. **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:**
- 1. The programme and methodology of site investigation and recording**
  - 2. The programme for post investigation assessment**
  - 3. Provision to be made for analysis of the site investigation and recording**
  - 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
  - 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
  - 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the **National Planning Policy Framework (2019).**

6. **i) demolition/development shall take place fully in accordance with the Written Scheme of Investigation approved under Condition 5.**
- ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (5) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

7. **The development hereby permitted shall be carried out fully in accordance with the submitted Flood Risk Assessment reference RMA - C1995c dated 25th Feb 2021 and prepared by RMA Environmental and the following mitigation measures it details:**  
o Finished floor levels shall be set no lower than 123.72 metres above Ordnance Datum (AOD).

**These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.**

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS31 of the Core Strategy 2013 and Section 14 of the NPPF.

8. **The development hereby approved shall be constructed fully in accordance with the submitted Tree Survey and Protection Plan prepared by C.A.T Landscape Consultancy (dated 9.2.21) and Tree Protection Plan NO. TPP 93 HSH 01.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019)

9. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:**

**Schedule 2, Part 1, Class A, B, C, and E**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

10. **The development hereby approved shall be constructed fully in accordance with the recommendations and mitigation measures set out in the submitted Preliminary Ecological Appraisal by Samsara Ecology (report date January 2021).**

Reason: In order to ensure that ecological matters are satisfactorily addressed in accordance with Policy CS26 of the Dacorum Core Strategy (2013).

11. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

- 12. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o all external hard surfaces within the site;**
- o any other surfacing materials;**
- o means of enclosure;**
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**

**The planting must be carried out within one planting season of completing the development.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.**

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

- 13. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:**

- a. Construction vehicle numbers, type, routing;**
- b. Access arrangements to the site;**
- c. Traffic management requirements**
- d. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);**
- e. Siting and details of wheel washing facilities;**
- f. Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. Timing of construction activities (including delivery times and removal of waste);**
- h. Provision of sufficient on-site parking prior to commencement of construction activities;**
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

- 14. No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure satisfactory appearance to the development, to safeguard the visual character of the area and the adjacent listed buildings in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

**Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. 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. Mud on highway  
 AN1) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website  
  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highway-s-roads-and-pavements.aspx> or by telephoning 0300 1234047.
  
3. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Conservation & Design (DBC)	<p>Original Plans; New dwelling to rear.</p> <p>The site is within the Markyate conservation area and there are a number of nearby listed buildings e.g. 93 and 97 High St Markyate. The proposal would impact on the setting of these designated heritage assets. A previous scheme which had an appropriate design was recently refused.</p> <p>The proposal is a revised scheme for a new dwelling to the rear of buildings to the High Street. Unlike the previous proposals this is a</p>

single storey bungalow with a low pitched roof. The building is not in keeping with the character of the conservation area. This is due to the proposed width of the property and low pitch of the roof of the building. It therefore fails to respect and respond the character of the traditional buildings within the conservation area and therefore it would be detrimental to the character of the conservation area. It would also detract from the setting of the adjacent listed buildings.

This would cause harm to the designated heritage assets. The harm caused would be less than substantial and at a low to moderate level. There would not appear to be any public benefits of the proposal and therefore following the balancing exercise as set out in the framework it would appear contrary to both policy and guidance.

Recommendation We would object and recommend refusal due to the detrimental impact on the designated heritage assets.

Amended Plans;  
New dwelling to rear.

The site is within the Markyate conservation area and there are a number of nearby listed buildings e.g. 93 and 97 High St Markyate. The proposal would impact on the setting of these designated heritage assets. A previous scheme which had an appropriate design was recently refused.

The proposal is a revised scheme for a new dwelling to the rear of buildings to the High Street. The proposal has now been amended in light of our comments. We now believe that it is acceptable. It would better reflect the character of the conservation area with regards to the steeply pitched clay roofs and the elevations being broken up. The timber cladding with a brick plinth help to give the appearance of a more traditional vernacular building expected to be found to the rear of the higher status buildings to the high street. As such we believe that it now respects and responds to the character of the conservation area and we would not object to the proposals.

We believe that the proposal would not harm the significance of the setting of the listed buildings. It would not harm the significance of the conservation area. As such the balancing exercise in the framework does not need to be undertaken.

Recommendation The proposals are now considered acceptable. External materials and finishes subject to approval. Hard and soft landscaping subject to approval.

Parish/Town Council	No parking, this application will make the problem worse. This is also infilling. Parking provision should be provided for the house on the High Street.
Planning Liason Officer	
Environmental And Community Protection (DBC)	<p>The application is for the introduction of a residential land use on to a site that has been previously developed and used for the parking and storage of vehicles and as a workshop. As such the possibility of the presence of ground contamination that could adversely impact the proposed development and its future residents cannot be ruled out at this time. Therefore, it is recommended that the following planning conditions are included on the planning permission, should it be granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p>

	<p>(d) This site shall not be occupied, or brought into use, until:</p> <p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2: Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informatives: The above conditions are considered to be in line with paragraphs 170 (e) &amp; (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a> by searching for contaminated land.</p>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology, I responded previously to a similar application ref 20/01843/FUL. The amended scheme is supported by the same Preliminary Ecological Appraisal by Samsara Ecology (report date January 2021) and does not raise any new ecological concerns. Consequently, I repeat my previous advice:</p>



	<p>No evidence or potential for the presence of bats was found within the outbuildings and I have no reason to disagree with this finding. However, since these are proposed for demolition, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.</p> <p>"If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed."</p> <p>The report highlights a potential for the presence of nesting birds and hedgehogs, which seems reasonable. These species are protected by National legislation and suitable mitigation measures are recommended in the report and should be followed in full.</p> <p>The proposals will require the removal of a number of shrubs and trees and loss of areas of garden, this will cause a local loss of biodiversity that is not replaced in the proposed plans. The NPPF and emerging legislation provide an increased emphasis on developments delivering a biodiversity net gain. The ecological report, in addition to compensatory nesting boxes for birds, recommends enhancements for birds, bats and hedgehogs. Whilst these are not strictly measures that will increase biodiversity, they do provide ecological opportunities for protected species at a scale proportionate to the development.</p> <p>Consequently, I would support their inclusion in any final approved plans</p>
Hertfordshire Highways (HCC)	<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 restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public</p>

highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

[https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-inf](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx)

ormation/business-licences/business-licences.aspx or by telephoning 0300 1234047. AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act

1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free

passage along a highway or public right of way. If this development is likely to result in the public

highway or public right of way network becoming routinely blocked (fully or partly) the applicant must

contact the Highway Authority to obtain their permission and requirements before construction works

commence. Further information is available via the website

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

ormation/business-licences/business-licences.aspx or by telephoning 0300 1234047.

AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or

other debris on the public highway, and section 149 of the same Act gives the Highway Authority

powers to remove such material at the expense of the party responsible. Therefore, best practical

means shall be taken at all times to ensure that all vehicles leaving the site during construction of the

development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the

highway. Further information is available via the website

[https://www.hertfordshire.gov.uk/services/highways-roads-and-pave](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pave)

ments.aspx or by telephoning 0300 1234047.

Comments

The proposal is for the demolition of Garage/Outbuildings and the construction of a detached

bungalow and carport (amended scheme) at 93-95 High Street, Markyate. High Street is a 20 mph,

classified C local access route that is highway maintainable at public expense. HCC Highways has

previously commented on various iterations of this scheme all with a wish to not restrict a grant of

permission for the site.

Vehicle Access and Parking

	<p>The new dwelling will use the existing access from High Street through an old coach gateway leading to the rear. The new dwelling is not deemed to greatly impact the use of this existing access. Drawing number BURG/22102/BUNG1C illustrates that vehicles can manoeuvre on site to enter and exit the highway network in forward gear which is deemed necessary owing to the narrow arch entrance.</p> <p>Parking is a matter for the Local Planning Authority (LPA). However, HCC Highways would comment that the new dwelling will have 4 car parking spaces with two being under a double car port.</p> <p>Refuse / Waste Collection Provision would need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'.</p> <p>Conclusion HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
16	2	0	2	0

### Neighbour Responses

Address	Comments
Markyate Village Hall Cavendish Road Markyate St Albans Hertfordshire AL3 8PS	No parking, this application will make the problem worse. This is also infilling. Parking provision should be provided for the house on the High Street.

97 High Street  
Markyate  
St Albans  
Hertfordshire  
AL3 8JG

Firstly, the building plan is satisfactory and we have no objection to this style of property being erected following our objection to the previous monstrosity.

Our remaining and consistent objection, raised with both the developer and the agent, is the deliberate attempt to mislead in relation to parking and the relationship between this development and the 3 bedroom house at Number 93.

For sake of clarity, this development is in land at the back of no 93. The property is held in trust for xxxxxxxx xxxxxxxx who is in long term care in St Albans. It is currently one property not two separate lots as described.

While the various attempts at development (this is the 4th) have been presented No93 has been rented. Those tenants, similar to the previous ones have three (3) vehicles that are parked in the driveway and in front of the existing barn.

The plan only sets aside parking for two cars in a car-port. Those cars relate only to the new development.

A very simple question to the Committee is where are the existing 3 cars going to park? There is zero free space on the narrow high street where parking is only on one side. The agent is suggesting that No93 "needs no parking facilities" but is considering providing one space next to the car-port. Given the agent lives in the village he is well aware of the intense situation in relation to High Street parking.

To ignore these cars is disingenuous.

There is plenty of space for 5 cars if the property were placed at the back of the site, leaving space for cars to turn. I will email you separately pictures of existing cars which I would ask you to submit to the committee.