

ITEM NUMBER: 5h

21/01335/FUL	Construction of two new semi-detached cottages and new boundary wall.	
Site Address:	64 High Street Markyate St Albans Hertfordshire AL3 8HZ	
Applicant/Agent:	Mr & Mrs Gower	Mr Andrew Whiteley
Case Officer:	Natasha Vernal	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Contrary View of Markyate Parish Council	

1. RECOMMENDATION

That planning permission be **GRANTED** subject to conditions.

2. SUMMARY

2.1 The principle of residential development in this location is acceptable, in accordance with the exceptions for appropriate development in the Markyate Conservation Area as set out under Paragraphs 192, 193, 195 and 196 of the National Planning Policy Framework (NPPF) (2019). The proposed dwellings and associated works are considered to be acceptable in design terms, given that they would not be considered to detract from the character and appearance of the streetscene or the Markyate Conservation Area. Furthermore, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or by resulting in a significant loss of light or privacy. Given the amendments made, following discussions with the Hertfordshire County Council's (HCC) Highways Department and Fire and Rescue Team, it is not considered that the proposal would give rise to significant highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would be provided for future occupiers of the site in line with the relevant policies.

2.2 Given all of the above, the proposal complies with Paragraphs 192, 193, 195 and 196 of the National Planning Policy Framework (2019), Policies CS4, CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013), Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990, Saved Policies 119 and 120 and Saved Appendices 3 and 7 of the Local Plan (2004).

3. SITE DESCRIPTION

3.1 The site is located within the large village of Markyate, to the south west of the High Street. The site is situated to the rear of Grade II Listed Buildings at Nos. 56, 58, 60 and 62 (High Street) within the Markyate Conservation Area and an area of archaeological significance. The site contains a group of Yew Trees which are subject to Tree Preservation Orders. The trees are to the south of the site, separating it from the parking area to properties along Buckwood Road (North Court).

4. PROPOSAL

4.1 This application seeks full planning permission for the construction of two new detached dwellings and new boundary wall.

4.2 This current application is in conjunction with a listed building consent application under Local Planning Authority (LPA) reference: 21/01336/LBC.

4.3 It is noted that a previous application for the construction of two detached dwellings with new boundary wall under LPA ref: 20/03739/FUL was refused at the site for the following reason (in italics):

4.4 *The proposed development would fail to respect neighbouring properties along High Street and Buckwood Road in terms of layout, site coverage, scale and bulk appearing cramped and detracting from the existing urban grain. As such, the proposal is contrary to Policies CS11 and CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the relevant sections of the NPPF (2019).*

4.5 *The layout, design and scale of the proposed development are not sympathetic to the Markyate Conservation Area and would cause harm to the setting, historic plan form and fabric of the Listed Building. The proposed scheme therefore fails to comply with the NPPF (2019), Policy CS27 of the Core Strategy (2013), Saved Policy 119 of the Dacorum Local Plan (2004) and Section 66 of The Planning (Listed Building and Conservation Areas) Act (1990).*

4.6 The amended scheme addresses the concerns raised from the Conservation Officer by scaling down the development into a semi-detached pair of two bedroomed two storey dwellings. The proposal introduces traditional materials that is considered in-keeping with the Markyate Conservation Area and the Grade II listed buildings.

5. PLANNING HISTORY

Planning Applications (If Any):

20/02067/FUL - Construction of two new bungalows and garden boundary wall.
WDN - 16th September 2020

20/03739/FUL - Construction of two new detached dwellings and new boundary wall
REF - 5th February 2021

20/03740/LBC - Construction of two new detached dwellings and new boundary wall
REF - 5th February 2021

21/01336/LBC - Construction of two new semi-detached cottages and new boundary wall.
PDE -

4/0071/81 - Historic File Check DMS for Documents and Further Details
DET - 26th February 1981

4/1071/86 - Historic File Check DMS for Documents and Further Details
DET - 3rd September 1986

4/0835/83 - Historic File Check DMS for Documents and Further Details
DET - 2nd September 1983

4/00274/17/FUL - New dwelling and garage
GRA - 23rd March 2017

4/01743/13/FUL - New dwelling and garage within rear garden of existing house
REF - 13th February 2014

4/00904/08/TPO - Works to trees
GRA - 14th May 2008

4/00643/07/TCA - Works to trees
REF - 24th April 2007

4/00460/05/LBC - Affix railings to front elevation, move house number sign and alterations to existing gates

WDN - 9th March 2005

4/01706/03/TCA - Works to trees

RNO - 2nd September 2003

4/00933/02/LBC - Alterations to garage to form a utility room

GRA - 19th July 2002

4/01157/00/TCA - Pruning of three yew trees

RNO - 27th July 2000

Appeals (If Any):

4/01743/13/FUL - Development Appeal

- 19th August 2014

6. CONSTRAINTS

Area of Archaeological Significance: 2

CIL Zone: CIL3

Markyate Conservation Area

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

Tree Preservation Order: 454, Details of Trees: T1 Yew

Tree Preservation Order: 454, Details of Trees: T2 Yew

Tree Preservation Order: 454, Details of Trees: T3 Yew

Tree Preservation Order: 540, Details of Trees: T1 Common Yew

Tree Preservation Order: 454, Details of Trees: T4 Yew

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)
Planning (Listed Building and Conservation Areas) Act (1990)

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

Supplementary Planning Guidance/Documents:

Appendix A of the Parking Standards SPD (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 and impact on heritage assets;
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 and impact on heritage assets

9.2 The application site is located in Markyate Conservation Area where development should conserve and enhance the established character or appearance of the area in accordance with Policy CS27 of the Core Strategy (2013) and Saved Policy 120 of the Local Plan (2004). In addition, Policy CS27 and Saved Policy 119 seek to ensure that the setting of designated heritage assets, including Listed Buildings, will be protected, conserved and if appropriate enhanced.

9.3 Saved Policy 119 states that every effort will be made to ensure that any new development liable to affect the character of a listed building will be of such a scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building.

9.4 Regard has been given to the statutory tests of preserving or enhancing the setting of Listed Buildings under Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty.

9.5 Paragraph 192 of the NPFF (2019) states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation. Paragraph 195 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, LPAs should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public

benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 196 states that this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.6 The application site is concealed from the public realm with glimpses of the application site seen from High Street. No. 64 High Street is a statutory Grade II listed building, which started life as a late C16 Inn, but has been a private house in more recent years. The rear garden contains a group of Yew Trees which are subject to Tree Preservation Orders.

9.7 The Council's Conservation Officer was consulted and provided the following representation (in italics):

9.8 "The site is an area of garden to the rear of the high street. Previously a dwelling was allowed at appeal. The proposal is now for two small cottages. These are on the site of the approved dwelling. They sit more comfortably within the general context of the street pattern and better reflect the character of the Conservation Area. We welcome the introduction of the visual interest and variation in treatment to the individual cottages. As such we believe that it would not cause harm to the character of the conservation area nor the setting of the nearby listed buildings. As such we believe that it is appropriate with regards to the national and local policy and guidance in that it does not harm the significance of either the listed buildings or conservation area.

9.9 Recommendation no objection. The external materials including rainwater goods and joinery details and finishes should be conditioned. As should the hard and soft landscaping."

9.10 In light of the comments provided by the Conservation and Design Officer, no harm has been identified to the Markyate Conservation Area as the proposed works are considered to be sympathetic to the original design and character of the Listed Buildings on High Street, protecting and conserving the integrity, setting and distinctiveness of this designated heritage asset. In comparison to the previous refused scheme under LPA ref: 20/03739/FUL, the proposed scheme through design, scale and positioning are considered sympathetic to the Markyate Conservation Area and would not cause harm to the setting, historic plan form and fabric of the Listed Buildings on High Street.

9.11 Taking the above policies into account, the proposed construction of two dwellings and new boundary wall is considered acceptable in principle. In accordance with Core Strategy Policy CS27, Saved Policies 119 and 120 of the Local Plan (2004), Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990 and Paragraphs 192, 193, 195 and 196 of the National Planning Policy Framework (NPPF) (2019).

Quality of Design / Impact on Visual Amenity

9.12 Policies CS10, CS11 and CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and paragraph 127 of the NPPF promote new development that integrates with the surrounding area in terms of layout, design, scale and materials. In terms of the layout and design of residential areas, Saved Appendix 3 states that there should be sufficient space around residential buildings to avoid a cramped layout, maintain residential character and to ensure privacy.

9.13 Policies CS11 and CS12 of the Core Strategy (2013) all seek to ensure that development should preserve attractive streetscapes, integrate with the streetscape character and 'respect adjoining properties in terms of layout and site coverage. Furthermore, Section 12, paragraph 127 (b) and (d) of the National Planning Policy Framework (2019) requires development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

9.13 The application site is concealed from the public realm with glimpses of the application site seen from High Street. The site is accessed from High Street via a narrow undercroft archway. No. 64 High Street is a statutory listed building, which started life as a late C16 Inn, but has been a private house in more recent years. The rear garden contains a group of Yew Trees which are subject to Tree Preservation Orders. The trees are to the south of the site separating the site from the parking area to properties along Buckwood Road (North Court). The rear garden has an unusual form, being fairly rectangular from the archway to the rear of the single storey rear element to No 64 then it widens to the north abutting the top half of the neighbouring garden.

9.14 The site of No. 64 extends from the High Street frontage to the rear, and the south-west boundary is the boundary of the conservation area at that point. Beyond is the modern buildings of the telephone exchange and housing, and there does not appear to be significant public views of the site of the proposed dwellings from outside the area in that location. Similarly the public view from the High Street through the archway would be limited but the re-alignment of the driveway approach would result in there being a view of part of this development.

9.15 The site comprises a pair of semi-detached dwellings featuring facing brickwork and smooth painted render, plain roof tiles and natural slates. The proposed fenestration materials are to be confirmed however, these would be secured by a condition if the application is approved. The proposed dwellings would be set back from the public highway by approximately 40 metres. Plots one and two would comprise a kitchen area, living room and a cloak room at ground floor with a bathroom and two bedrooms at first floor.

9.16 The properties along the High Street are characterised by a row of terraces set on large plots, comprising large rear gardens, giving a spacious feel and character to the area. The surrounding properties are characterised by terraced dwellings many of which are uniform in scale and design. The proposed dwellings would follow the conventional layout and linear build line and is not considered to have a detrimental impact on the character and appearance of the surrounding properties or the Markyate Conservation Area.

Garden Space

9.17 Saved Appendix 3 the Dacorum Local Plan (2004) states that:

9.18 *“All residential development is required to provide private open space for use by residents whether the development be houses or flats. Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m.”*

9.19 Although the rear gardens fall short of the 11.5m minimum depth suggested in saved Appendix 3, they have sizable front gardens that would provide functional outdoor recreational areas.

9.20 It is considered that the layout, design and built form of the proposed dwelling will not have a detrimental impact upon the character and appearance of the existing dwelling or surrounding area. The proposal therefore complies with Saved Appendix 3 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2013), the NPPF (2019).

Impact on Residential Amenity

9.21 The NPPF (2019) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy.

9.22 The neighbouring properties at Nos.58 (High Street) and 7 (North Court) objected on the grounds of scale, out of keeping within the Markyate Conservation Area, noise, removal of trees, construction of works and impact on traffic overflow.

Privacy

9.23 Windows on the first floor south-east elevation of the new dwellings are proposed to face towards the neighbouring properties at Nos. 1 to 8 (North Court), however the proposed dwellings would be sited approximately over 22 metres from the common boundary. The proposed north-west facing windows would serve bathrooms and landings. Whilst it is noted that bathrooms and landings are non-habitable rooms, an obscure glazed condition would be imposed to ensure no adverse impacts on neighbouring amenity. No fenestration at first floor is proposed to face towards Nos. 60 and 62. Therefore, it is not considered that the proposed fenestration would have any significant additional overlooking or loss of privacy to the surrounding dwellings or their amenity spaces.

9.24 Given the scale and positioning of the new units and the separation distances that would be retained between these dwellings and neighbouring properties at Nos. 60 and 62 (High Street), 10 and 12 (Buckwood Road), 1 to 8 (North Court) , it is unlikely that the proposal would have any adverse impacts to the residential amenity of these properties.

Noise Impact

9.25 The proposed works are set away from the public realm and from all neighbouring dwellings and there is existing mature landscaping to help soften their presence. Given the separation distance, the proposed development would not appear visually intrusive, overbearing or result in an increase in overlooking. Whilst the proposed structures may intensify the use of the application site, the intensification would not be significant enough to cause material harm to neighbouring properties.

Private Amenity

9.26 Externally, the rear garden would be subdivided to create separate private amenity spaces for each dwelling. The application site would provide private parking to accommodate at least five vehicles with private amenity space provided to the rear of plots.

9.27 The garden to number 64 is large, and as previously stated, extends along the rear of 60 and 62. The reduction, in order to provide the proposed dwelling with sufficient amenity space and parking, would still leave an area of garden that would be larger than many in the vicinity and would be a useable size and shape.

9.28 It is considered that the proposal would be acceptable with respect to the impact on the residential amenity of neighbouring properties, in terms of privacy, light provision and its visual impact, in accordance with Policy CS12 of the Core Strategy (2013).

Impact on Highway Safety and Parking

9.29 In terms of parking, the parking standards are comprised within Appendix A of the Parking Standards SPD (2020). The site resides within Accessibility Zone 3, wherein the parking requirement for a 2-bedroom dwelling is 1.5 spaces.

Parking

9.30 The development proposes two off-street car parking spaces to each dwelling, Furthermore there are visitor parking spaces proposed to accommodate at least three vehicles. It is considered that the proposal meets the maximum requirements set out in Appendix A of the Parking Standards

SPD. In addition, there are local public transport routes situated in close proximity to the application site.

Access

9.31 HCC Highways were consulted and raised concerns regarding emergency access. Highways noted that the furthest part of the dwelling is greater than 45 metres from the highway network and as such, a fire appliance would have to enter the site, turn on site and exit the site in forward gear.

Hertfordshire Highways provided the following representation (in italics):

9.32 "If this is the case then I have concerns regarding the width of the long access drive which should be a minimum of 3.7 metres wide. The ability for a fire appliance to turn on site and the height of the archway access as I fear this maybe too small for a large fire appliance."

9.33 Hertfordshire Fire and Rescue were contacted and raised concerns regarding the archway leading into the site is below the minimum requirement of 3.7m and also the minimum width of 3.7m, further due to the approach being narrowed by on street parking the appliance would be unable to turn into the entrance. As the appliance would have to remain on the highway the distance for laying of hose to the furthest habitable point of the dwelling will exceed the guidance as stated in Approved document B of 45m.

9.34 With further discussions with the agent, a detailed site plan "04/FIRE1 " was received on 28th April 2021 showing that the fire station is located less than 40 metres from the application site. In addition, a domestic sprinkler system was proposed for extending the hose laying distance from the appliance to the furthest point of the two dwellings to 90 metres. Hertfordshire Fire and Rescue and Highways considered to this solution acceptable and raised no objections subject to conditions and informative notes.

9.35 It is considered that the proposed development will not have a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Appendix A of the Parking Standards SPD (2020).

Electric Vehicle (EV) Charge Points

9.36 The Parking Standards SPD requires 50% of all parking spaces to have an active charging point, with all remaining parking spaces having passive provision.

9.37 The terms active provision and passive provision are defined as follows:

9.38 Active provision for electric vehicles: an actual socket connected to the electrical supply system that vehicle owners can plug their vehicle into.

9.39 Passive provision for electric vehicles: the network of cables and power supply necessary so that at a future date a socket can be added easily. It is significantly cheaper and less disruptive to install the underlying infrastructure for EV charge points during construction than to retrofit later.

9.40 No details have been provided of EV charge points; therefore, this information will be required by condition (if approved) to be submitted and approved prior to commencement of development.

Other Material Planning Considerations

Markyate Parish Council

9.41 Markyate Parish Council has objected on the grounds that the infill development would be out of keeping and would overdevelop the plot. Further, the development would be dangerous in terms of access and would not allow appropriate access for emergency vehicles.

9.42 The application for a detached dwelling and garage was granted planning permission under LPA ref: 4/00274/17/FUL. Before that, an application for a detached dwelling and garage was allowed at appeal in 2013 under LPA ref: 4/01743/13/FUL.

9.43 The development would be located in a sustainable location and would seek to optimise the use of urban land. The proposed dwellings would be concealed from the public realm and the arch way would be retained. Although HCC Highways and HCC Fire and Rescue raised concerns regarding the emergency access, these were resolved by a domestic sprinkler system and therefore, the proposal is considered acceptable in this regard subject to conditions and informative notes.

Environmental and Community Protection

9.44 Environmental and Community Protection were consulted and raised no objections to the proposal subject to informative notes.

Thames Water

9.45 Thames Water were consulted and raised no objections to the proposal.

Historic Environment

9.46 Historic Environment were consulted and raised no objections to the proposal subject to conditions and informative notes.

Landscaping

9.47 The site contains a significant number of trees around the perimeter and within the site that are protected by a Tree Preservation Order. The Councils Trees and Woodlands Officer were consulted and raised no objections to the proposal noting that the trees within the development site would be small ornamental varieties and have low amenity value. When evaluated against the merits of the scheme, the trees are not considered to pose a constraint to the development.

Waste Management

9.48 Saved Policy 129 of the Local Plan (2004) seeks to ensure that developments have adequate storage for refuse and recycling. These details have not been provided, however would be secured via a landscaping condition, should planning permission be granted. It is considered that there is adequate space within the site to provide secure space to store wheelie bins and therefore complies with saved Policy 129.

Response to Neighbour Comments

9.49 The neighbouring properties at Nos. 58 (High Street) and 7 (North Court) objected on the grounds of scale, out of keeping within the Markyate Conservation Area, noise, removal of trees, construction of works and impact on traffic overflow.

9.50 These matters have been addressed in the neighbour impact, highway safety, parking and landscaping sections above.

Community Infrastructure Levy (CIL)

9.51 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable and the site resides within CIL Charging Zone 3.

10. CONCLUSION

10.1 Paragraph 59 of the NPPF seek to boost the supply of housing and paragraph 118 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Paragraph 68 states that decision makers should give great weight to the benefits of using suitable sites within existing settlements for homes. Additionally, Saved Policy 10 of the Local Plan (2004) seeks to optimise the use of available land within urban areas

10.2 Taking all of the above into account, the proposal is acceptable in principle and would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The proposal is in accordance with Policies CS4 and CS17 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2019).

10.3 The proposed semi-detached dwellings through layout, design and scale will not adversely impact upon the existing dwelling, Markyate Conservation Area or the residential amenity of neighbouring properties. The proposed scheme would provide two well designed properties, contributing to the boroughs housing stock and providing an attractive living environment for the future residents. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11, CS12 and CS27 of the Core Strategy (2013), Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990 and Paragraphs 192, 193, 195 and 196 of the NPPF (2019).

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

Condition(s) and Reason(s):

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:**

- 22103/SEMIB
- 04/FIRE1

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

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. **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 and methodology of site investigation and recording as required by the evaluation**
 3. **The programme for post investigation assessment**
 4. **Provision to be made for analysis of the site investigation and recording**
 5. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
 6. **Provision to be made for archive deposition of the analysis and records of the site investigation**
 7. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

5. **i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 4.**

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 (4) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

6. **No development shall commence until a Construction Management Plan (or Construction Method Statement) 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 / Statement 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) and to avoid school pick up/drop off times;**
 - h. **Provision of sufficient on-site parking prior to commencement of construction activities;**
 - i. **Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019). The details are

required prior to commencement to ensure that the construction of the development does not result in any risks to highway safety.

7. All new external rainwater and soil pipes shall be formed in metal and painted black.

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2019).

8. 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).

9. No construction of the superstructure shall take place until full details of both hard and soft landscape works have 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 other surfacing materials
- o means of enclosure
- o soft landscape works
- o refuse or other storage units.

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).

10. The development, hereby approved, shall not be occupied until a scheme for the installation of a domestic sprinkler system complying with BS9251 has been submitted to and approved in writing by the local planning authority. The system shall be maintained at this standard. The system shall be fully installed and operational prior to the occupation of any residential unit.

Reason: To ensure that the layout of the residential development is provided with appropriate access and makes adequate provision for the fighting of fires in accordance with Policies CS9 and CS12 of the Core Strategy.

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led 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.
 1. The archaeological field evaluation, via trial trenching, of the proposed development area, prior to development commencing;
 2. such appropriate mitigation measures indicated as necessary by the evaluations in both areas. These may include:
 - a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development if this is feasible;
 - b) the appropriate archaeological excavation of any remains before any development commences on the site;
 - c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);
 3. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results;
 4. such other provisions as may be necessary to protect the archaeological interest of the site.
3. Contaminated Land Informative 1:

In the event that ground contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.
4. Contaminated Land Informative 2:

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:
Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.
5. 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 highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
6. 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-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

7. 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-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Archaeology Unit (HCC)	<p>The proposed development is within an Area of Archaeological Significance, as identified in the Local Plan. This covers the core of the historic village of Markyate, which has medieval origins. The proposed works will take place within the centre of the medieval village (Historic Environment Record no. 2050), adjacent to the major Roman road of Watling Street (HER no. 9525).</p> <p>64 High Street itself (HER no. 12101) is a grade II listed late 16th century timber-framed building, once the Sun Inn. In one of its rooms is a significant late 16th century wall painting.</p> <p>The construction of two dwellings to the rear has the potential to impact on archaeological remains of medieval or post-medieval date in particular. I believe, therefore, that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest.</p> <p>I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).</p>
Environmental And Community Protection (DBC)	<p>The proposed development is on a site that does not appear to have a potentially contaminative land use history so whilst there is no objection to the application and no requirement for land contamination planning conditions, because the development will involve ground works it is recommended that the following informatives are included in the</p>

	<p>decision notice.</p> <p>Contaminated Land Informative 1: In the event that ground contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
Hertfordshire Highways (HCC)	<p>Decision OTHER</p> <p>The proposal is for the construction of two new semi-detached cottages and new boundary wall at 64 High Street Markyate. This is another response owing to concerns regarding a fire appliances access in case of an emergency. As part of the highway authority's assessment of this planning application, we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. These include concerns that the furthest part of the dwelling is greater than 45 metres from the highway network and as such a fire appliance would have to enter the site, turn on site and exit the site in forward gear. If this is the case then I have concerns regarding the width of the long access drive which should be a minimum of 3.7 metres wide. The ability for a fire appliance to turn on site and the height of the archway access as I fear this maybe too small for a large fire appliance. As such I have contacted Herts fire and rescue. Therefore, details of the proposal have been passed to them for attention. This response will be sent separately to the case officer by the fire service. HCC would like to back any comment made by the fire service for this application in terms of highway safety.</p> <p><u>Further comments received 19-05-21</u></p> <p>As the main issue was raised with fire safety and fire safety are happy with the sprinkler system. The HCC Highways would have no objections</p>

to the site subject to the agreed upon points in the emails below relating to sprinklers.

Conditions

1) No development shall commence until a Construction Management Plan (or Construction Method Statement) 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 / Statement 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) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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).

Highway Informatives

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:

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

	<p>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-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>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-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.</p>
Thames Water	<p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.</p>

	<p>https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p> <p>As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p>
Trees and Woodlands	<p>According to the information submitted trees may require removal to facilitate the development. I consider trees within the development site to be small ornamental varieties and have low amenity value. When evaluated against the merits of the scheme, the trees should not pose a constraint to the development. Consequently, I have no objections to the application and recommend it being approved.</p>
Hertfordshire Fire and Rescue Service	<p>This matter was referred to HFRS due to access issues for fire fighting purposes. The archway leading into the site is below the minimum requirement of 3.7m and also the minimum width of 3.7m, further due to the approach being narrowed by on street parking the appliance would be unable to turn into the entrance. As the appliance would have to remain on the highway the distance for laying of hose to the furthest habitable point of the dwelling will exceed the guidance as stated in Approved document B of 45m.</p> <p><u>Further comments received 19-05-21</u></p> <p>I can confirm that HFRS find your solution acceptable in that the installation of a domestic sprinkler system complying to BS9251 will extend the hose laying distance from the appliance to the furthest point in the dwelling to 90m. The system must also be maintained to that standard.</p>
Markyate Parish Council	<p>Objection. We support what Highways say in their report regarding concerns for safety in case of a fire at this property. No objections to plans, per-se, although infilling is not favoured, as per our village plan. Also concerns regarding sightline onto High Street when exiting the site; this could be very dangerous.</p> <p><u>Further comments received 20-05-21</u></p> <p>Whilst taking note of your email below, it is my understanding that the Parish Council were happy with the design of these two houses, as an improvement to the single larger property previously proposed. So</p>

	<p>if objections to their being built were not accepted, they do not oppose their design. However, we did oppose any building at the rear of 64 High Street on several grounds:</p> <p style="padding-left: 40px;">Unsafe access in the case of fire - as per Highways comments. In filling behind High Street property - this was a policy for the village identified in the Parish Plan (not time sensitive) Unsafe access onto the High Street with insufficient sight lines onto a narrow road, almost opposite a gateway on the East of the High Street.</p> <p>Therefore my Council remain with an objection to this application.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
27	2	0	2	0

Neighbour Responses

Address	Comments
7 North Court Markyate St Albans Hertfordshire AL3 8NT	<p>I wish to object most strongly to the proposed construction of two new dwellings next to the retirement housing of North Court, Buckwood Road, Markyate, AL3 8NT. As a resident of North Court, which is occupied by eight flat belonging to elderly and in some cases physically and mentally impaired residents, I cannot reiterate strongly enough the fears of myself and other residences to this proposed development.</p> <p>Any stressed caused by construction work and the removal of established vegetation destroying our present environment could seriously effect the health of some of the residents.</p> <p>The adjoining trees offer shade, privacy and noise shelter to our aging residents. This small area of communal land offers the only outside space available for out social and leisure needs.</p> <p>Building work would cause stress and countless worries for our aged inhabitants, noise, dust, the per removal of valuable vegetation, privacy and the fears of any future potential dangers from the new builds as access to the properties would be limited to emergency vehicles.</p> <p>There would be concerns for the mental health for some residents as issues arising would not be fully until the final usage of the proposed development becomes utilized.</p>
58 High Street Markyate	<p>Overriding objection to this proposal. Objection to infilling within a conservation area.</p>

<p>St Albans Hertfordshire AL3 8HZ</p>	<p>The properties are too tall and not in keeping with surrounding Grade II listed buildings. The scale of the development is excessive, particularly the height. Contravenes the Dacorum Plan ref CS11 and CS27 Markyate High Street has no further capacity at this location for additional traffic or overflow parking. Concern about waste removal. Point 6.2.3 within the AB Heritage statement is not correct.</p>
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