

ITEM NUMBER: 5c

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| 21/01743/FUL | Demolition of existing bungalow and construction of two detached dwellings with integral garages | |
| Site Address: | 4 Barncroft Road Berkhamsted Hertfordshire HP4 3NL | |
| Applicant/Agent: | Austin Worboys Developments | Mr James Arkle |
| Case Officer: | Colin Lecart | |
| Parish/Ward: | Berkhamsted Town Council | Berkhamsted West |
| Referral to Committee: | Objection received from town council. | |

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 It is considered that the proposal would represent a high quality contemporary design in an area where innovation in design is acceptable. Furthermore, due to the layout, positioning and spacing of the properties, it is considered that they would not have a detrimental impact on the character and appearance of the surrounding area as a whole. The development would not have an adverse impact on the residential amenity of surrounding properties and provide an acceptable level of amenity for future occupiers.

2.2 Furthermore, appropriate visibility splays would be maintained and an acceptable level of parking provision would be provided and so the development would not have a significant impact on the safety or operation of the adjacent highway.

2.3 Due regard has been given to the presence of protected species on site and Hertfordshire Ecology have confirmed that mitigation measures contained within the submitted ecological reports are satisfactory.

2.4 It is therefore considered that the proposal is policy compliant and is therefore recommended for approval.

3. SITE DESCRIPTION

3.1 The application site comprises a single storey bungalow set on a generously sized plot along Barncroft Road. The street consists primarily of detached low density housing of varying forms and scale. The street scene benefits from a vast amount of landscaping which contribute to a verdant character. There appears to be a number of examples of historic infill development along the street, most notable at number 6 adjacent the site and Chartridge a short distance to the south.

4. PROPOSAL

4.1 The application seeks permission for the demolition of an existing bungalow and construction of two detached dwellings with integral garages

5. PLANNING HISTORY

Planning Applications 01743/FUL

21/00192/TPO - Removal of two Leylannii trees
GRA - 11th February 2021

4/01197/90/TPO - Felling of preserved trees
GRA - 25th October 1990

6. CONSTRAINTS

CIL Zone: CIL1

Former Land Use (Risk Zone):

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Red (10.7m)

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

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

Residential Character Area: BCA12

Parking Standards: New Zone 3

EA Source Protection Zone: 2

EA Source Protection Zone: 3

Town: Berkhamsted

Tree Preservation Order: 39, Details of Trees: A1 - Several trees of whatever species

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 (2021)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Core Strategy (2013):

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

CS26 – Green Infrastructure

CS28 – Carbon Emission Reductions

CS29 - Sustainable Design and Construction

Local Plan (2004):

Policy 10 – Optimising the Use of Urban Land

Policy 21 – Density of Residential Development
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Appendix 3 – Design and Layout of Residential Areas

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Area Character Appraisal BCA12
Refuse Storage Guidance Note (2015)

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.
Other material considerations (ecology etc).

Principle of Development

9.2 The application site is located within an established residential area of Berkhamsted where Policy CS4 of the Core Strategy (2013) states that the principle of residential development in this area is acceptable.

9.3 Policies 10 and 21 of the Local Plan (2001) and Section 11 of the NPPF (2021) all place an emphasis on making effective use of urban land.

9.4 The site also benefits from a historic approval (4/00563/07/FUL) for a new detached dwelling within the side garden of the existing property.

9.5 Due to the above, the principle of the development in this location is considered acceptable.

Quality of Design / Impact on Visual Amenity

9.6 Policies CS11 and CS12 of the Core Strategy (2013) state that development should respect the character and appearance of the surrounding area. A high quality of site design is generally expected on all development proposals.

9.7 The proposal would result in two contemporary styled dwellings with flat roofs positioned on the site. There is no objection to the demolition of the existing bungalow.

9.8 The development would comprise of a variety of different materials consisting of primarily red and grey brick, and timber as well as zinc cladding. The dwellings would have a clean, uncluttered façade whereby the intricate use of contrasting materials and recessing of the certain elements of the built form would successfully break up the bulk of the proposed buildings. Green roofs would also be featured on the dwellings which would soften their appearance and integrate with the existing verdant nature of the street scene.

9.9 The design would differ to existing dwellings within the immediate vicinity. However, the site is located within Character Area BCA12 (Shooterways) where the development principles for the area state there are no special design requirements and that innovation in design is acceptable. Overall, the specific design of the proposal with regards to its form and use of materials is considered high quality and innovative. It is not considered that difference in design automatically results in overt harm to the character of the area. It is considered a high quality innovative design can add to the local context of the area and generally raise design standards. Furthermore, Paragraph 126 of the NPPF (2021) states that good design is a key aspect of sustainable development. It is therefore concluded that in this aspect the development does not represent poor quality design and therefore cannot be refused on the basis of its difference to surrounding built form, noting that the council's own guidance on the character area states innovation in design is acceptable.

9.10 The dwellings would comprise a third floor consisting of an office. However, this would be recessed by approximately 5.2m from the principal elevations of the properties. As mentioned previously, this recessing works to break up the bulk of the properties and provide variation in their form. Due to the 5.2m recessing, it is considered these floors would not be overly prominent from the street. Furthermore, plot 1 would be set approximately 13.9m back from the front boundary, with plot 2 being set back approximately 20.8m. There would also be large areas of spacing maintained within the front gardens of the plots for possible landscaping to soften the developments, alongside their green roofs.

9.11 The proposed dwellings would measure approximately 8.10m in height. Plot 2 would be slightly below the overall height of number 2 Barncroft Road. Plot 1 would be moderately higher than number 6 by approximately 0.44m. This minor increase in height of plot 1 is not considered to be harmful, especially when considering the recessed nature of the second floor and the spacing of approximately 8.14m between the first floors of number 6 and plot 1. The properties' scale is therefore considered acceptable in this context.

9.12 In terms of spacing, Character Area Appraisal BCA12 states that wide spacing (between 5m-10m) would be expected in this area. The ground floor spacing of plot 1 to number 6 would be 4.77m with the ground floor spacing between plot 2 and number 2 being 3.25m. These would be slightly below the minimum 5m distance expressed by the guidance. In this instance it is noted that the recessing of the first floors from the footprint of the garages creates a wider distancing at this level. At first floor level, plot 1 would have a spacing of 8.14m to number 6 and plot 2 would have a first floor spacing of 6.72m to number 2. When considering this spacing combined with large set back of the properties from the road, it is considered that the proposal would not have a harmful impact on the open nature of the street scene.

9.13 The spacing between the garages of the proposed dwellings would be approximately 3.25m. However, the green roofs would soften the appearance of these when seen in close context together combined with their set back from the road frontage and behind the principal elevations of the properties. Moreover, at first floor level the spacing would be approximately 11.6m. It is noted that numbers 8 and 8a Barncroft Road exhibit closer spacing than this at first floor levels and are not as generously set back from the street. Given the context of the plot, the dwelling's positioning and their recessed elements, it is considered that the overall spacing of the proposal is considered acceptable.

9.14 Overall, it is considered that the proposal would represent a high quality contemporary design in an area where innovation in design is acceptable. Furthermore, due to the layout, positioning and spacing of the properties, it is considered that they would not have a detrimental impact on the character and appearance of the surrounding area as a whole.

Impact on Residential Amenity

9.15 The NPPF 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 and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.16 The proposed dwellings would protrude beyond the rear build lines of the adjacent properties. However, due to the spacing that would be maintained and the footprint of the proposed dwellings, it is considered they would not breach a 45 degree angle from the centre point of the closest habitable ground floor windows of the adjacent dwellings and thus not have a detrimental impact on light ingress to these neighbouring properties. Due to the spacing, it is also considered that the proposal would not have an unacceptable impact on the outlook of the neighbouring properties.

9.17 The rear to rear distances from the proposed dwellings to those on Crossways would be in excess of 50m, significantly above the 23m distance guidance contained within Saved Appendix 3 of the Local Plan (2004).

9.18 Each proposed dwelling would have a small window on the first floor on their flank elevations. These would serve bathrooms/en-suites and can be conditioned to be obscure glazed.

9.19 It is noted that green roofs would be positioned to the rear of the proposed dwellings, adjacent the proposed offices. A condition will be attached to any permission stating that these areas are not to be used as amenity areas in order to avoid direct overlooking onto the patio areas of the adjacent dwellings.

9.20 With regards to future occupiers of the development, an acceptable level of internal space would be provided and the positioning of the fenestrations would ensure all rooms receive adequate levels of daylight/sunlight. Plot 1 would have a rear garden depth of approximately 11.65m and plot 2 would have a rear garden depth of approximately 12.25m. These are acceptable under Saved Appendix 3 of the Local Plan (2004).

9.21 Due to the above, it is considered that the proposal would not have an adverse impact on the residential amenity of the surrounding properties in terms of loss of light, privacy or outlook. The development would also provide an acceptable level of amenity to future occupants.

Impact on Highway Safety and Parking

9.22 Plot 1 would be accessed via the existing access used for the bungalow. Plot 2 would be served by a new access. There were initial concerns from Hertfordshire County Highways with regards to the visibility splay from the new access, as it would be obstructed by existing trees along the front boundary of plot 2 and the existing front wall.

9.23 In response to this, amendments to the application were made which now indicate the removal of the two trees (T8 and T9) and the lowering of the front wall to 450mm in height. As a result Hertfordshire County Highways now have no objections subject to their recommended conditions and informatives.

9.24 With regards to parking, the two four bedroom dwellings would be served by three parking spaces each, which accords with the guidance set out within the Parking Standards Supplementary Planning Document (2020). Two spaces are indicated on the front drives of the properties with a third space located within the garages. The dimensions of the garages meet the 3m x 6m dimension stipulated by the Parking Standards and therefore can be considered as parking spaces. It is noted the space for cycle parking has been indicated within the garages which could reduce their functional depth for a car. However, it is considered that the location of cycle parking would be entirely down to future occupants of the units. Moreover, rear access for both properties is provided, meaning that storing bicycles within the rear garden would be feasible.

9.25 Offices are indicated on the second floors of the properties. It is considered that in light of the pandemic, space for home working has become more attractive to potential buyers of homes and therefore will likely be included in more and more development schemes put forward. Nonetheless, depending on the preferences of the individual occupants, it is accepted that these rooms could reasonably be used as bedrooms. Despite this, the parking arrangements are still considered acceptable as while two spaces on the front drives have been indicated, it is considered that there would be space for a third car on both of the front drives, increasing the overall provision of parking to four spaces per unit. Furthermore, due to the size of the plots, there is adequate space for potential expansion of hard surfacing within the plot, should this be required by future occupants.

9.26 details of electric vehicle charging provision can be secured by condition.

9.27 Due to the above, it is considered that the proposal would not have a significant impact on the safety or operation of the adjacent highway and an acceptable level of parking provision would be provided.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.28 Three trees are proposed for removal within the application site. These consists of two trees to the frontage and a beech tree in the rear garden. The two trees to the frontage need to be removed to maintain an appropriate visibility splay for plot 2. The Beech tree is recommended for removal due to structural damage that could result in future safety issues.

9.29 The tree officer was consulted on the application. The site is covered by an area wide Tree Preservation Order. However, the tree officer, when noting the date of the TPO (1954) and the size of the trees in question, agreed with the applicant's arboriculture consultant that these trees are considered not to be covered by the order.

9.30 Furthermore, the tree officer did not consider the trees to be of high amenity value and so had no objection to their removal. There was also no objection to the arboricultural report's evidence of structural damage to the Beech tree and its conclusion that owing to this damage, the tree should be removed.

9.31 The large Cedar Tree which is considered to be of high amenity value, would be retained and the tree officer has confirmed that the tree protection measures for this contained within the report are acceptable.

9.32 A landscaping condition would secure details of replacement trees for those proposed for removal and it is considered there is enough space within the plots to accommodate these replacements and further landscaping improvements, as long as they do not interfere with the visibility slays from the access points of the dwellings.

Ecology

9.33 Hertfordshire Ecology were consulted on the proposal and considered that the features of the existing building meant there was a likelihood that the building could be used for roosting bats. As such, a Preliminary Bat Roost Assessment was requested, along with any follow up surveys that may be required due to the findings of the preliminary assessment.

9.34 Both a Preliminary Bat Roost Assessment as the results of subsequent dawn and dusk surveys have now been submitted which reported the presence of bats on site. As such, a mitigation strategy has been included within the reports. Hertfordshire Ecology have reviewed these reports and

concluded that the mitigation measures proposed are considered acceptable and as such it is considered likely that Natural England will grant a bat license for the site.

9.35 With regards to the above, it is considered that the presence of bats on site has been given due regard and appropriate mitigation strategies to manage this will be put in place.

Sustainability

9.36 A sustainability statement has been submitted in support of the proposal which shows that the issues relating to the energy consumption of the property have been given due regard from the outset of the design phases of the proposal. As a result the properties would adopt high standards of airtightness, thermal insulation, mechanical ventilation heat recovery, high performance glazing and thermal bridge free construction.

9.37 Due to the above, it is considered that the application complies with Policies CS28 and CS29 of the Core Strategy in that principles relating to sustainability and carbon emission reductions have been considered in the design of the proposed dwellings.

Waste Management

9.38 Bin storage areas have been indicated on the proposed site plan and their carry distances comply with Dacorum's Refuse Storage Guidance Note (2015).

Contaminated Land and Air Quality

9.39 Both the Environmental Health and Scientific officers had no objections to the proposed development on grounds of noise, air quality or ground contamination.

Community Infrastructure Levy (CIL)

9.40 The development would be CIL liable, were it to be approved and subsequently implemented.

10. CONCLUSION

10.1 It is considered that the proposal would represent a high quality contemporary design in an area where innovation in design is acceptable. Furthermore, due to the layout, positioning and spacing of the properties, it is considered that they would not have a detrimental impact on the character and appearance of the surrounding area as a whole. The development would not have an adverse impact on the residential amenity of surrounding properties and provide an acceptable level of amenity for future occupiers.

10.2 Furthermore, appropriate visibility splays would be maintained and an acceptable level of parking provision would be provided and so the development would not have a significant impact on the safety or operation on the adjacent highway.

10.3 Due regard has been given to the presence of protected species on site and Hertfordshire Ecology have confirmed that mitigation measures contained within the submitted ecological reports are satisfactory.

10.4 It is therefore considered that the proposal is policy compliant and is therefore recommended for approval.

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:**

**AP(0)004 Rev C
AP(0)020
AP(0)021
AP(0)022
AP(0)023
AP(0)024
AP(0)025
AP(0)026**

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

3. **No development (excluding demolition/ground investigations) shall take place until full 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.**

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

4. **No above ground works 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 other surfacing materials;
- o means of enclosure;
- o soft landscape works including a planting scheme with the number, size, species and position of replacement trees for those removed, plants and shrubs.
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and

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).

5. **Tree protection measures for the development hereby permitted shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan contained within the submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan report (Trevor Heaps Arboricultural Consultancy Ltd - 6th July 2021).**

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 174 of the National Planning Policy Framework (2021).

6. **Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number AP(0)004 Rev C in accordance with HCC Highways Dropped Kerbs: Terms and Conditions. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Core Strategy (2013) and Saved Policy 54 of the Dacorum Local Plan (2004).

7. **Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number AP(0)004 Rev C. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Core Strategy (2013) and Saved Policy 54 of the Local Plan (2004).

8. **The flat roof areas of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area at any time without the grant of further specific permission from the local planning authority.**

Reason: To safeguard the residential amenity of the adjacent properties in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy (2013).

9. **The windows at first floor level in the side elevations of the dwellings hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

10. **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).

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. Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
3. 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.
4. 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.
5. 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.
6. Waste Comments

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.

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.

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. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

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

Water Comments

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

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

7. In the event that ground contamination is encountered 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 because, the safe development and secure occupancy of the site lies with the developer.

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
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| Parish/Town Council | <p>Objection</p> <p>The plot is large, but the two dwellings are located well into the plot with minimal amenity space to the rear which conflicts with Policy at 11 ½ m and is an overdevelopment of the site. Other properties in this area have better scale. The design for a pair of buildings is out of keeping with the streetscene and the footprint and spacing does not conform with BCA12.</p> <p>CS12, BCA12</p> |
| Environmental And Community Protection (DBC) | <p>Thank you for your consultation on the above planning application. I have reviewed the details and information provided.</p> <p>The site is outside transportation significance noise contours and also outside of the AQ Mgt Zone. Due to the relatively small size of the development I do not consider it will negatively impact on neighbouring properties.</p> <p>I therefore do not have any objections to the application or make any further comment.</p> <p>11.05.2021 (scientific officer)</p> <p>The proposed development is not for a change in land use and is a proposal on a site that does not appear to have a potentially contaminative land use history. It will, however, involve significant ground works and so the following informative is recommended.</p> <p>Land Contamination Informative</p> <p>In the event that ground contamination is encountered 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 because, the safe development and secure occupancy of the site lies with the developer.</p> |
| Trees & Woodlands | <p>TPO 39 (1954) is very early and looking at the size of the trees in question, I would agree with the arboricultural agent in that they were not present when the TPO was served. Although I haven't directly visited the site both trees are clearly visible on street view and I don't deem either are particularly good specimens. The ash appears to be a self-set and very early whereas the ornamental, although more established, has an asymmetrical crown biased towards the highway.</p> |

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| | <p>The arboriculturalist has advised a beech will require removal for safety reasons but will be replaced. I would recommend if both trees require removal owing to highway concerns then a planting scheme is submitted for all three trees showing the locations, species, size, and aftercare programme.</p> <p>Other than this, the tree protection measures proposed for the cedar (T1) is in line with current best practice and I have no further concerns for the remaining trees within the development site.</p> |
| <p>Hertfordshire Highways (HCC)</p> | <p>Interim</p> <p>The proposal is for the demolition of the existing bungalow and construction of two detached dwellings with integral garages at 4 Barncroft Road, Berkhamsted. Barncroft Road is a 20 mph unclassified local access route that is Highway maintainable at public expense. This is an interim response owing to some concerns regarding the visibility splays of the new access for the second dwelling. The access will be located just shy of a sharp bend which may pose a possible safety concern when exiting the property. As per Roads in Hertfordshire: Highway Design Guide 3rd Edition , Section 4 - Design Standards and Advice, Chapter 2 - Junctions, table 4.2.3.1 visibility requirements for a 20mph road are 2.4 m x 22 metres (excluding bonnet allowance). As such HCC Highways would like to observe that this visibility is possible for the access to ensure highway safety. This can be illustrated on a drawing showing the 2.4 m x 22 m, if this is not achievable then HCC Highways would wish to recommend a refusal for this application on safety concerns.</p> <p>13.07.2021:</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Prior to the first use of the development hereby permitted the vehicular access</p> |

shall be completed and thereafter retained as shown on drawing number AP(0)004 in accordance with HCC Highways Dropped Kerbs: Terms and Conditions. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2) Provision of Visibility Splays - Dimensioned on Approved Plan
Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number AP(0)004. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 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) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the

relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN 2) 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or

any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comment

The application is for the demolition of existing bungalow and construction of two detached dwellings with integral garages at 4 Barncroft Road, Berkhamsted. Barncroft Road is designated as a unclassified local access route, subject to a speed limit of 20mph and is highway maintainable at public expense. HCC Highways previously refused the application owing to the obstruction of the northern visibility splay for the new access. Subsequently, after conversations with the case officer and working with the applicant, new plans have been provided which include the removal of vegetation such as trees from the line of the visibility splay and the reduction of the existing large wall to 450 mm to ensure the site line can be achieved.

Vehicle Access

The existing dwelling has a access onto Barncroft Road, this access will be utilised for one of the newly proposed dwellings. A second dwelling is proposed on the southern side of the plot and would have a new access near a sharp bend in the road. This new access was recommended refusal by HCC Highways owing to the large wall fronting the property and trees on the existing land inhibiting a visibility splay of 2.4 x 23 metres. The existing tall wall will be reduced to 450 mm and some foliage removed to ensure the visibility splays can be achieved. Although not ideal that the visibility splay runs through the dwellings land, it is deemed that with these changes and the slow speed of the adjacent highway, that the proposal is deemed acceptable. The foliage within the site line must be

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| | <p>either removed completely or kept to a low level in the future to ensure the access remains safe for use. Both accesses will lead to a hardstanding that accommodates parking spaces each. Parking is a matter for the Local Planning Authority (LPA) and as such any parking stipulation will be decided by them.</p> <p>Drainage The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new driveway would need be collected and disposed of on site.</p> <p>Refuse / Waste Collection Provision would need to be made for an on-site bin-refuse store within 30m of each 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 dwellings are 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 (in relation to entering into a Section 184 Agreement) and conditions.</p> |
| Thames Water | <p>Waste Comments</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</p> |

strategy to reduce groundwater entering the sewer networks.

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.

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. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

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

Water Comments

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

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

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| <p>Herts & Middlesex Wildlife Trust</p> | <p>Objection: Bat survey required before application can be determined. Once a suitable survey has been submitted and approved, the objection can be withdrawn provided any required actions are applied in the planning approval.</p> <p>The design of the building is extremely suitable for bats, it is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. If present the development would result in breaches of the legislation protecting bats and their roosts. Therefore there is a reasonable likelihood that bats may be present.</p> <p>ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.</p> <p>LPAs have a duty to consider the application of the Conservation of Habitats and Species Regulations 2017 (as amended) in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of European Protected Species it has not acted lawfully. R (on the application of Simon Woolley) v Cheshire East Borough Council clarified that planning authorities are legally obligated to have regard to the requirements of the Habitats Directive when deciding whether to grant planning permission where species protected by European Law may be harmed.</p> <p>Where there is a reasonable likelihood that protected species are affected by development proposals, surveys must be conducted before a decision can be reached (as stated in ODPM circular 06/05). It is not acceptable to condition ecological survey.</p> <p>In this instance a bat survey of the building will be required before a decision can be reached. The survey should be consistent with national survey standards and the information submitted in accordance with BS 42020.</p> |
| <p>Hertfordshire Ecology</p> | <p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>The building has a complicate roof with potential access points and roosting features, it is located in an area characterised by large gardens with mature trees. The application will require both the demolition of the building and removal of a mature beach tree.</p> |

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| | <p>Given the location and the apparent characteristics of the building, on this occasion I consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination.</p> <p>This should be a Preliminary Roost Assessment (PRA) carried out of both the building and beech tree by an appropriately qualified and experienced ecologist to evaluate whether bats, or evidence of them, are present and will be affected by the proposals. Such inspection should follow established best practice as described in the Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016</p> <p>As bats are classified as European Protected Species (EPS) sufficient information is required to be submitted to the LPA prior to determination - to enable it to consider the impact of the proposal on bats and discharges its legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended). In the event that evidence of bats or the potential for them is found during the PRA, further surveys (dusk emergence / dawn re-entry) are likely to be required. These can only be carried out when bats are active in the summer months (usually between May and August, or September if the weather remains warm). Since we are now within the bat activity survey season these can be carried out now.</p> <p>To conclude Until a PRA has been submitted to the LPA, the application should not be determined as there is currently insufficient information to enable the LPA to ensure European Protected Species are not adversely affected by the proposal.</p> |
| Hertfordshire Ecology | <p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>I am pleased to see that a Preliminary Roost Assessment (report date 16/06/2021) and subsequent activity surveys (report date 21/09/2021) have been carried by Cherryfield Ecology. The first emergence survey carried out in Jul and required due to the assessment of the property as having low roosting potential, observed a single bat using the hanging tiles as a roost. Two further surveys in August and September observed no further roosting behaviour. Consequently, the building is confirmed as a roost and suitable mitigation to safeguard bats is included in the second report. With this plan in place I advise the LPA has sufficient information on bats to meet its legal duties and determine the application. It is acknowledged that for the demolition to occur legally it will need to be carried out under a licences from Natural England. I have no reason to consider this will not be provided.</p> |

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| | I trust these comments are of assistance |
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 8 | 7 | 1 | 6 | 0 |

Neighbour Responses

| Address | Comments |
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| Fairfield Lighthorne WARWICK CV35 0AR | <p>I represent the owner of 6 Barncroft Rd.</p> <p>We do not object to the principle of putting 2 houses on this site. However we object to the current proposal as the access is inadequate, the depth of the rear gardens appear below the guidelines, and the style of the proposed houses is unsuitable to Barncroft Rd</p> <p>We also request if planning permission is granted the copper beech tree to be removed should be replaced with a silver birch and the new tree to be planted say 2m further into the site</p> |
| 6A Barncroft Road Berkhamsted Hertfordshire HP4 3NL | <p>As a near neighbour of the property being developed we are surprised to have received no communication about the development proposals which seems somewhat underhand.</p> <p>We are not averse to development on the street, there are some more aged properties and a number of bungalows occupying large plots so it is somewhat inevitable that they will attract the attention of developers. When done in a consultative way, in keeping with the style and character of neighbouring properties then disruption aside there is little to object to. This was the case with the ongoing development of number 11 Barncroft Road and number 2 before that.</p> <p>The persistence of development however is becoming tiresome and increasingly dangerous. There has been virtually no respite from full-scale demolition and rebuild in the last 5 years on the road, the volume of site traffic is significant (up to ten vehicles per day at number 11 currently) blocking both pavements along part of the road which is used by a number of parents walking children to and from Greenway School/Thomas Moore. My children have had more than one near miss from reversing van drivers pulling into neighbouring driveways to perform u-turns to avoid going down to the end of the cul-de-sac to turnaround.</p> <p>In respect to the proposal here, there has been no pre-emptive communication with neighbours, the plan to replace one bungalow with two properties is a typical and unnecessary development</p> |

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| | <p>over-extension, the proposed dwellings are absolutely out of keeping with any property on the street in terms of both structural footprint and proposed building materials, are obtrusively scaled at three storeys apiece and are detracting from the preservation of open space that property design along the rest of the street looks to maintain.</p> <p>Other recent developments have been sympathetic to the common aesthetic whereas these proposals seem to be intentionally hostile.</p> |
| <p>Herts and Middx Wildlife Trust, Grebe House St Michaels Street St Albans AL3 4SN</p> | <p>Objection: Bat survey required before application can be determined. Once a suitable survey has been submitted and approved, the objection can be withdrawn provided any required actions are applied in the planning approval.</p> <p>The design of the building is extremely suitable for bats, it is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. If present the development would result in breaches of the legislation protecting bats and their roosts. Therefore there is a reasonable likelihood that bats may be present.</p> <p>ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.</p> <p>LPAs have a duty to consider the application of the Conservation of Habitats and Species Regulations 2017 (as amended) in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of European Protected Species it has not acted lawfully. R (on the application of Simon Woolley) v Cheshire East Borough Council clarified that planning authorities are legally obligated to have regard to the requirements of the Habitats Directive when deciding whether to grant planning permission where species protected by European Law may be harmed.</p> <p>Where there is a reasonable likelihood that protected species are affected by development proposals, surveys must be conducted before a decision can be reached (as stated in ODPM circular 06/05). It is not acceptable to condition ecological survey.</p> <p>In this instance a bat survey of the building will be required before a decision can be reached. The survey should be consistent with national survey standards and the information submitted in accordance with BS 42020.</p> |
| <p>19 Barncroft Road Berkhamsted Hertfordshire HP4 3NL</p> | <p>Other bungalows have been developed along the road, so it is not a surprise or an issue that this site is to be developed. I think that these developments have added to the road.</p> <p>The basis of my objection is that the proposed development is different to the rest of the houses along the road and threatens to change the</p> |

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| | <p>character of the road.</p> <p>Over-development - replacing a bungalow with two large three-story houses, is an issue from a height and open space on the site perspective.</p> <p>Examples of modern buildings are shown in support of the application, but none are on this road! The design is out-of-keeping with the character of the road. The designs of the other houses recently built on the road are much better - tiled pitch roofs, brick and make much less visual impact than what we can see from the plans</p> |
| <p>2 Barncroft Road Berkhamsted Hertfordshire HP4 3NL</p> | <p>Our objection is to the excessive development of the plot, and that the plans are contrary to the Dacorum Core Policy CS12.</p> <p>CS12.c The three-storey height of the buildings will result in a loss of privacy, with potential noise transfer and disturbance. Although the Design and Access document states that the overall height does not exceed neighbouring properties, the creation of the third-storey terrace will clearly overlook 2 Barncroft's house and garden, and the proximity of the structure will result in a significant loss of light to the North-facing windows of 2 Barncroft.</p> <p>CS12.f The modern 'office' design of the dwellings, with Zinc-clad 'Roof Pods', cannot be said to "integrate with the streetscape character" of Barncroft Road the style and character of which is entirely vernacular.</p> <p>CS12.g The proposed dwelling is overbearing in scale, creates a visual intrusion, and loss of residential amenity to 4 Barncroft Road. The proposal does not respect adjoining properties in terms of scale and bulk and is contrary to the adopted Dacorum Core Policy.</p> <p>The Design and Access statement refers to an historically approved application. However, 4/00563/07/FUL reflected the existing building at 4 Barncroft, and was a much smaller, two-storey, pitched roof house with dormer windows, more consistent with the Barncroft Streetscape, and only 161sqm in size. The total floor area of the new development appears to be a significant multiple of the previous application and is an over-development of the site. (However, the exact size of the houses has not been provided.)</p> <p>Proposed amendments:</p> <ol style="list-style-type: none"> 1. If an office is required, it could be accommodated in one of the 4 proposed bedroom spaces or alternatively as a garden structure rather than a third- storey. 2. The dwellings might receive our support if the overall mass was reduced and they were redesigned as two-storey structures. |

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| | <p>3. A three-storey design might be justified if the number of dwellings was reduced to a single dwelling as this would enable the building to be located centrally on the plot, providing breathing space between the development and neighbouring properties thereby minimising the over-looking of neighbouring properties.</p> <p>4. The isometric appears to show full height patio doors to the office (despite a desk being shown on plan). We would request that the windows to the 'home office' are cill height to prevent social access to the roof and the potential for the roof to be used as a party terrace thereby increasing the risk of overlooking, loss of privacy, noise and nuisance.</p> <p>5. The property adjacent to 4 Barncroft should be moved forward on the site so that the rear of the development aligns with the rear of 2 Barncroft rather than over-shadowing the rear garden as currently proposed.</p> <p>6. If a 3 storey form is considered acceptable in planning terms we would request: that the plan of both houses is mirrored so that the 3 storey elements relate to / overlook each-other rather than the established neighbours at no. 4 and no. 8 Barncroft.</p> <p>Additional information is required to fully consider the proposals:</p> <p>7. The m2 area of each house</p> <p>8. The plot ratio of each plot</p> <p>9. There is no key to the elevation drawings showing the materials</p> <p>10. A section through the building showing the height of windows to the roof terrace is required.</p> <p>11. There are errors on the submitted drawings - e.g. p.13 of the design access statement refers to trees and points to the building - it is unclear to what this refers.</p> |
| <p>6 Crossways Berkhamsted Hertfordshire HP4 3NH</p> | <p>Whilst in principal we don't object to the development, our property immediately adjoins the rear of the development. We are concerned that unless any further pruning is done sensitively (in addition to the two large trees already removed), and unless a suitable hoarding is erected, we will be directly exposed to the full impact of the works for however long they will take. As such we would ask for this to be taken into consideration, and would be happy to discuss plans to ensure we are not impacted.</p> |
| <p>17 Barncroft Road Berkhamsted Hertfordshire HP4 3NL</p> | <p>As a resident of Barncroft Road directly opposite the proposed planning application, I would like to object the the application on the basis that the application overdevelops the plot and that the style of the buildings proposed is not in any way in keeping with the residential look and feel of any of the properties on the entire road, including one recently built and one currently under construction. Those two properties are very much in keeping with the existing environment and aesthetic, this latest application is not.</p> |

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| | <p>The height and boxy, squared-off style proposed is visually unattractive and most likely proposed to realise the maximum value for the developer with little regard for visual appeal and sympathy for the surrounding environment.</p> |
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Please advise if there is a more formal way to object to this application and I will comply with that.