

**ITEM NUMBER: 5b**

<b>21/02639/FUL</b>	<b>Construction of 2no. detached dwellings</b>	
<b>Site Address:</b>	<b>Land To Rear Of Chertford 126 Cross Oak Road Berkhamsted Hertfordshire HP4 3NA</b>	
<b>Applicant/Agent:</b>	<b>Mr Elderfield</b>	<b>Miss Queenie Cheng</b>
<b>Case Officer:</b>	<b>Daniel Terry</b>	
<b>Parish/Ward:</b>	<b>Berkhamsted Town Council</b>	<b>Berkhamsted West</b>
<b>Referral to Committee:</b>	<b>The Town Council have provided a contrary view to the officer recommendation</b>	

**1. RECOMMENDATION**

- 1.1 That planning permission be **GRANTED**, subject to conditions.

**2. SUMMARY**

- 2.1 The application site is within the built-up part of Berkhamsted wherein development is generally acceptable in principle, in accordance with Policies CS1 and CS4 of the Core Strategy.
- 2.2 The proposal would have an acceptable appearance and respects the density and site coverage of neighbouring sites and those locally, in accordance with Policies CS11 and CS12 of the Core Strategy.
- 2.3 The proposals would not result in unreasonable impacts to neighbouring amenity, nor would there be any significant risk to highway safety and as such the proposal would accord with Policy CS12 of the Core Strategy.
- 2.4 The proposals would result in the loss of some trees and vegetation on site however this can be satisfactorily compensated for through new planting, including the provision of new trees. Similarly the proposals would adhere to sustainable design and construction principles, in accordance with Policy CS29 of the Core Strategy.

**3. SITE DESCRIPTION**

- 3.1 The application site lies to the north of Cross Oak Road and behind Charayana and Chertford. The existing site is part of the residential garden of Chertford along with land later required but understood to be somewhat redundant and disused. Along the northern boundary are a number of mature trees and hedgerows, where the site is separated from properties in Crossways by a public right of way (Berkhamsted 017). A further right of way lies approximately 60m to the north and runs east to west (Berkhamsted 018). To the east and west are the rear gardens of residential properties that front Cross Oak Road.
- 3.2 Please note that the property known as 'Charayana' was formerly known as 'Dunclutha' and is marked as such on the plans. This report refers to that property solely as 'Charayana' herein.

**4. PROPOSAL**

- 4.1 Full planning permission is sought for the erection of 2 three-bed dwellings. The dwellings would be positioned opposite, but off-set, from one another with their principal elevations overlooking a shared driveway and turning area.

4.2 Each dwelling would be provided with three parking spaces and gardens to the side and rear.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

4/01800/18/FUL - Construction of two detached dwellings with associated access and Parking - Withdrawn

Appeals (If Any): None

## **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

## **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 (July 2021)

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

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

Relevant Policies:

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS17 - New Housing

CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Area Based Policies SPG (2004)  
Parking Standards SPD (2020)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

- 9.1 The main issues to consider are:
- The policy and principle justification for the proposal;
  - The quality of design and impact on visual amenity;
  - The impact on residential amenity;
  - The impact on highway safety and car parking; and
  - Other material considerations.

### Principle of Development

- 9.2 The application site lies within the built up part of Berkhamsted, wherein policy CS4 of the Core Strategy states appropriate residential development is encouraged. In turn the proposal would comply with policy CS1 which seeks to accommodate the majority of new development within existing towns and large villages.
- 9.3 Policy CS17 of the Core Strategy sets out that the Council will expect to maintain a 5-year supply of housing and the pre-text to this policy also recognises that windfall sites such as this are an element of housing supply.
- 9.4 Paragraph 68 of the National Planning Policy Framework (2021) states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out relatively quickly. To promote the development of a good mix of sites, local planning authorities should, inter alia, support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 9.5 The proposal would therefore be acceptable in principle and it is recognised that the proposal for two new dwellings would make a modest addition to the Borough's housing supply. The proposal therefore complies with policies CS1 and CS4 of the Core Strategy.

### Quality of Design / Impact on Visual Amenity

- 9.6 Policies CS11 and CS12 of the Core Strategy state that development should respect the typical density intended in an area and enhance spaces between buildings and general character; preserve attractive streetscapes and enhance any positive linkages between character areas; avoid large areas dominated by car parking; retain important trees or replace them with suitable species if their loss is justified; plant trees and shrubs to help assimilate development and softly screen settlement edges; integrate with the streetscape character; and respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.
- 9.7 The Area Based Policies (2004) identifies the site as falling within the Shootersway BCA12 Character Area. This area is identified as a large, mainly very low density residential area with a variety of mainly detached houses in a spacious semi-rural setting. There is variety in the design of dwellings but the nature of housing is overwhelmingly detached and two

storeys in height. The density of the area is in the very low range, which is less than 15 dwellings per hectare.

- 9.8 The two dwellings would represent a form of back-land development with an access being provided between the two existing dwellings that front Cross Oak Road. This would therefore result in a tandem arrangement of dwellings. As set out in the submission, there are a number of later infill developments in the local area that have resulted in this similar tandem arrangement, often with new accesses and tracks needing to be provided to the side of existing dwellings. Because of these accesses and the backdrop of new dwellings, the character of Cross Oak Road has changed over time and as such, the provision of two dwellings to the rear of Chertford and Charayana would not look out of keeping in the streetscene.
- 9.9 The submission also sets out that there would be a site coverage of around 15%. This compares locally with site coverages of between 11.1% at Brambleway House to the north and as high as 24.2% in the case of Gillams to the east. The proposal would therefore be akin to other similar infill developments locally. Whilst the site area as a whole may be slightly smaller than other examples, this has been sufficiently compensated for with a smaller footprint of the dwellings being provided. Whilst the density of development would exceed the 'normal' 8 dwellings per hectare, it would be less than the 15dph identified in the Area Based Policies.
- 9.10 The positioning of the dwellings away from Cross Oak Road would follow the broad positioning of Brambleway House to the north as well as the addition of Marlin Copse to the north, which has established built form being located between Crossways and Cross Oak Road. Although the new dwellings would be visible from the adjacent public footpaths, they would not appear out of keeping, given the siting of Brambleway House and No.16 Crossways to the north, both of which are visible from the footpaths.
- 9.11 The streetscene elevation submitted suggests that the dwellings would have a higher ridge than Charayana and Chertford, although this is largely because the dwellings are located on a higher ground level. The ridge of the dwellings would not be visible from Cross Oak Road due to the existing dwellings that front the highway. It is however acknowledged that glimpsed views of the two dwellings would be possible through the access track. Due to the set-back of the dwellings from the main highway, they would not be considered to result in undue prominence.
- 9.12 The site would be laid out so that some small front gardens could be provided, but with the main garden areas being provided to the side and rear of each dwelling. A landscaping condition would be required so that details of the hard and soft landscaping can be secured in the interests of certainty and to ensure an acceptable appearance. Similarly, details of the building materials to be used to the external elevations of the dwellings are required so this would also need to be conditioned.
- 9.13 Following on from the above, it would be important to ensure that the trees shown for retention are appropriately protected and that new trees are planted as compensation and to comply with policy CS29 of the Core Strategy. Appropriate planning conditions would therefore be required as set out in this report.
- 9.14 Whilst the proposed development is considered to be acceptable, there are concerns that further extensions and development of the site, such as outbuildings etc. may lead to an overdevelopment if not appropriately controlled. Therefore it is considered appropriate in this instance to remove permitted development rights by condition.

- 9.15 In spatial terms, the rear gardens retained to Charayana and Chertford would be consistent with garden sizes on this side of Cross Oak Road, which includes the gardens of Winsford to the south-west as well as the garden sizes of Ardbraccan, Meadow Way and No.118 Cross Oak Road to the north-east. It should be noted that the gardens of Charayana and Chertford have already been reduced in size and fencing already exists along these boundaries with the application site.
- 9.16 The proposal is therefore considered to be acceptable in design and visual terms, subject to conditions, and therefore accords with policies CS11 and CS12 of the Core Strategy, and adheres to the guidance and principles of the NPPF.

#### Impact on Residential Amenity

- 9.17 Policy CS12 of the Core Strategy states that development should provide a safe and satisfactory means of access for all users; and avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.
- 9.18 Paragraph 130 of the NPPF adds that proposals should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.19 Turning firstly to the impact on neighbouring properties, the dwelling to Plot 1 would be located 3.8m away from the shared boundary with Charayana to the south, with the total distance between the two dwellings being around 26m. Given this side-to-rear elevation relationship, this is considered an acceptable distance to ensure no loss of outlook or overlooking would occur. Because of the location of this dwelling to the north, there would be no material loss of sunlight to the garden of Charayana.
- 9.20 The positioning of the dwelling to Plot 2 would be around 39m away from the rear elevation of Chertford. This again is considered to be a sufficient distance so as to ensure that no unreasonable harm is caused by the physical built form itself. Similar to the above, the proposal would not result in the loss of sunlight to Chertford.
- 9.21 The proposals would result in an increase of vehicular movements along the access track and in close proximity to the existing dwellings. Plans from 2011 indicate that the side element of Charayana was formerly used as a garage but appears to have been converted at some point since then. It is noted that this part of the dwelling does not contain any windows overlooking the access track. Similarly the side elevation of Chertford does not contain any ground floor windows that overlook the track and in any case an existing close-boarded fence is positioned along the boundary. Chertford does benefit from two small first floor windows although the planning history suggests that these are secondary windows serving bedrooms that have a primary window in the front or rear elevation. It is not expected that the amount of vehicular movements associated with two new dwellings would result in any significant levels of noise.
- 9.22 By virtue of the positioning and orientation of the dwellings, the first floor windows would result in some level of overlooking to the east and west, which includes the gardens of Dormers, Winsford, Arnside, Ardbraccan and Brambleway House, although views would predominantly be of the ends of the gardens. In the case of Brambleway House, the dwelling to Plot 2 would be located around 28.5m away from their boundary. At this distance and with an intervening property, it is not considered that the proposal would result in undue overlooking. The nearest elevation of Brambleway House measures to be around 45m away.
- 9.23 Whilst the development would inevitably result in some overlooking of the neighbours on either side, these views would typically be of the ends of gardens and the primary garden

areas afforded the most privacy and enjoyment would be those areas located closest to the dwellings, areas which would be largely unaffected. The proposal would not therefore result in the complete loss of privacy to any neighbouring property.

- 9.24 There is a significant amount of vegetation on the boundary with properties that front Crossways to the north/north-west, some of which falls outside the application site and therefore can be retained at the neighbour's discretion. The landscaping plan referred to above would also ensure that additional planting can be secured. Given the distances involved and the orientation of dwellings, it is not considered that the development would unreasonably impact neighbouring properties in Crossways.
- 9.25 With regard to the living conditions of the future occupiers of the development, the dwellings have been deliberately positioned so as to avoid any direct overlooking of one another. Any views across the track towards the opposite dwelling would be at an oblique angle.
- 9.26 Saved Appendix 3 of the Local Plan states that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m. For infill developments garden depths which are below 11.5m, but of equal depth to adjoining properties, will be acceptable. In both cases the garden depths would be below 11.5m, however the submitted site plan sets out how the positioning of the dwellings would allow for wider gardens and space to the sides as well as the rear of dwellings. The proportion of garden space being provided is considered to be consistent with those locally, particularly in relation to the site coverage set out above in this report. Whilst it is acknowledged that the gardens would be smaller than the other properties on this side of Cross Oak Road, they would not be dissimilar in size to the gardens of Brambleway House or the gardens found in Marlin Copse to the north, for example. It is therefore considered that both dwellings would benefit from a sufficiently sized and functional garden that is commensurate with the scale of development being proposed.
- 9.27 The Council has not formally adopted the Government's Nationally Described Space Standards although this is proposed as part of the new Local Plan. These national standards indicate that 3 bed dwellings should have a minimum floor area of 102sqm. In both cases the dwellings would exceed this national guidance. The outlook from the windows to each elevation would be acceptable.
- 9.28 Therefore having regard to the impact on neighbouring amenity and having regard to the living conditions of the future occupiers of the development, it is considered that the proposal accords with policy CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and accords with the NPPF.

#### Impact on Highway Safety and Parking

- 9.27 Policy CS12 of the Core Strategy and paragraph 110 of the NPPF requires development to provide safe and suitable access for all users.
- 9.28 In this regard the Highway Authority have been consulted and note that the access is already in place. Although no changes are proposed to the access itself, some foliage will be removed/trimmed to improve visibility. When accounting for the 30mph speed restriction and the nearby traffic calming measure, the Highway Authority confirm that 2m by 23m splays would be acceptable in this instance. The Highway Authority have therefore requested the inclusion of a planning condition to ensure the visibility splays are built in accordance with the plans. It is not expected that two dwellings would materially affect the local highway network.
- 9.29 With regard to parking, the Council's Parking Standards SPD indicates that 3-bed dwellings should be provided with 2.25 parking spaces. The total on site requirement would therefore

be 4.50 spaces, whilst 6 have been shown on the plans. Whilst this is a slight overprovision of parking, it would ensure that any visitors to the site are also able to park without affecting the turning and manoeuvring areas of the site, meaning vehicles can leave in a forward gear. It is also noted that some spaces would be in a tandem arrangement so not all spaces will be accessible at all times, however sufficient space has been provided for turning etc. so this is not likely to be an issue.

- 9.30 The Highway Authority indicated that Herts Fire Service would need to be satisfied with the proposals. They have been consulted on the application and confirm that the scheme would comply with guidance, although did query the water supply. A condition for a sprinkler system in line with the submitted statement can be imposed to address this matter.
- 9.31 Concerns have also been raised that the proposal may lead to an increase in surface water flooding. The submitted plans suggest that the first 10m of the drive from Cross Oak Road would be tarmac, with the remainder comprising of gravel. It should be noted that the first few metres of the driveway are already hardsurfaced and the Highway Authority have not raised concern with this. The remainder of the drive being gravelled would allow for surface water to permeate through, meaning there would be little additional impact. The dwellings themselves and the patio areas are surrounded on all sides by grassed areas which again would ensure surface water does not accumulate or run-off onto neighbouring land.
- 9.32 Collection of waste would be arranged through a private contractor and as such there is no requirement for DBC waste collection vehicles to travel along the access drive.
- 9.33 The Parking Standards SPD also requires all new development to provide an electric charging point for each new dwelling created, to promote the use of electric vehicles. This has not been shown on the plans and should therefore be conditioned.
- 9.34 Subject to the above conditions, it is therefore considered that the proposal would be acceptable, having regard to the access arrangements and the parking provision. The proposal therefore accords with policy CS12 of the Core Strategy, the Parking Standards SPD and accords with the NPPF.

#### Other Material Planning Considerations

- 9.35 Thames Water have been consulted on the proposals but raise no objection. They have however suggested some planning informatives that should be included as part of any decision.
- 9.36 The Council's Environmental Health team have been consulted and raise no objections in relation to noise or air quality. In terms of contaminated land, the team have indicated that there is potential for the presence of contamination and as such have suggested two planning conditions, requiring a phase 1 report to be carried out. These conditions should be included in the decision.
- 9.37 The Council's Trees & Woodlands team have been consulted and initially raised concerns with the lack of mitigation or compensation for the loss of trees. The amended arboricultural information confirms that a total of 10 trees are proposed to be removed, along with 4 hedges. The Landscape and Ecological Management Plan indicates that a total of 5 new trees would be planted at the site and the Tree Officer has subsequently confirmed that this would be acceptable. Concerns have still been raised with the loss of tree T15, which is a Category B gum tree, however it is not considered that the application could be refused on the basis of the loss of this one tree being objected to and it is considered that, on balance, the benefits being provided by this scheme, such as the contribution towards housing

delivery, would far outweigh the harm that would arise from the loss of this one tree. As such, the proposal is considered acceptable subject to conditions.

- 9.38 The applicant has submitted a Preliminary Ecological Appraisal and Roost Assessment. This assessment identifies that the site is likely to host an abundance of invertebrate life but that the scale of development is not likely to have an impact. With regard to bats, the report suggests that the existing shed on site has negligible value by virtue of its construction and materials. There is however potential for bats to be roosting in the tree marked as T1, as well as others along the northern boundary. Herts Ecology have been consulted and confirm that no further surveys are required in this regard and it has since been confirmed that T1 is to be retained and protected during development.
- 9.39 The Ecology team requested that a Landscape and Ecological Management Plan be provided. This was subsequently submitted with the Ecologist latterly confirming that it is acceptable and confirmation that the development has been carried out in accordance with the LEMP needs to be submitted to the LPA and should be secured by condition.
- 9.40 The submission includes a sustainability checklist which confirms that building materials will be sustainably sourced, waste will be re-used and recycled where possible, the water consumption will comply with Building Regulations, the dwellings would be insulated to high levels, new trees will be planted (as set out in the landscaping scheme mentioned above in this report), permeable materials will be used to the hardsurfaced areas, the orientation of the dwellings allows for maximum sunlight into the main elevations of the dwellings and the scheme would involve the likely provision of A-rated boiler systems. These measures are considered to be acceptable and should be secured by condition.

#### Response to Neighbour Comments

- 9.41 These points have largely been addressed above. Further concerns have been raised with the increase in construction vehicles using the highway as well as impacts on property values, however these are not material planning considerations.

#### Community Infrastructure Levy (CIL)

- 9.42 The development would be liable for CIL and payment would become due at the time of works commencing on site. Please refer to the Council's website for any information in this regard.

### **10. CONCLUSION**

- 10.1 To conclude, the development would result in a form of back-land development that is considered to be in-keeping with the streetscene and local area, which has seen similar forms of development in recent years. The development would be acceptable in visual terms and conditions would be required to ensure a satisfactory appearance and this includes the materials to the external elevations, as well as details of the hard and soft landscaped areas.
- 10.3 The proposal would not result in undue harm to neighbouring amenity and the proposed dwellings would be provided with adequate living conditions. The development would also provide adequate parking provision in line with the SPD. The loss of some 10 trees is considered acceptable on the basis that 5 new replacement trees are proposed and the impact on ecology is considered acceptable, having regard to the submitted LEMP.
- 10.4 The provision of two dwellings would make a modest addition to the Borough's housing supply which is particularly relevant as the Council cannot currently demonstrate a 5-year supply of housing. There would also be economic benefits from the construction of the

development itself and the subsequent occupation of the dwellings, whose occupiers would contribute to the local economy. The proposal therefore complies with the relevant local and national policies and should be supported.

## **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:**

**20/999/100 - Location Plan;  
20-073SK04 (Plot 1 plans and elevations);  
20-074SK04 (Plot 2 plans and elevations);  
20/073-074/101 REV C;  
20/073-074/102 REV B;  
20/073-074/103 REV B;  
20/073-074/201 REV A;  
Arbtech AIA 01 (Arb Impact Plan);  
Arbtech TPP 01 (Tree Protection Plan);  
Arboricultural Method Statement (received 27th October 2021);  
Landscape and Ecological Management Plan (received 27th October 2021).**

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

3. **a. No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**  
**b. If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**
  - i. A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
  - ii. The results from the application of an appropriate risk assessment methodology.****c. No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method**

**Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.**

**d. This site shall not be occupied, or brought into use, until:**

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and to accord with paragraphs 174 (e) and (f), 183 and 184 of the National Planning Policy Framework (2021).

- 4. Any contamination, other than that reported by virtue of Condition 3 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and to accord with paragraphs 174 (e) and (f), 183 and 184 of the National Planning Policy Framework (2021).

- 5. No development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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).

- 6. The development hereby permitted shall not be occupied 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 trees, plants and shrubs;**
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**
- o retained historic landscape features and proposals for restoration, where relevant.**

**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).

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 20/073-074/102 A. 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) and to accord with the National Planning Policy Framework (2021).

8. **The development hereby permitted shall not be occupied until a scheme for the installation of sprinklers ('the sprinkler system') or an alternative provision in liaison with Herts fire and rescue department has been submitted to and approved in writing by the local planning authority. The sprinkler system shall be fully installed and operational prior to the occupation of any part of the development.**

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 Dacorum Borough Core Strategy (2013) and Section 8 of the National Planning Policy Framework (2021).

9. **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).

10. **Prior to occupation of either dwelling details of the provisions for the storage and recycling of refuse shall be submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building(s) and shall thereafter be made permanently available for the occupants of the building(s) unless further written approval for an alternative scheme is gained from the Local Planning Authority in liaison with Dacorum's Waste Management Team.**

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent obstruction to pedestrian movement in accordance with saved

Policy 129 of the Dacorum Borough Local Plan (2004) and Policy CS29 of the Dacorum Borough Core Strategy (2013).

11. **The development hereby permitted shall be carried out in accordance with the submitted and approved Sustainable Development Checklist.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2021).

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

**Class A of Part 1, Schedule 2.**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2021).

13. **Prior to occupation of the dwellings, a report / technical note to demonstrate biodiversity mitigation, compensation and enhancement measures have been achieved from the development shall be submitted to the Local Planning Authority for written approval. This shall be based on the submitted Landscape and Ecology Management Plan prepared by Arbtech Consultants received 27th October 2021.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021).

14. **The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement received on 27th October 2021. The trees marked for retention on the approved plans shall be protected during the construction process and no equipment, machinery or materials shall be stored within these areas. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

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).

#### **INFORMATIVES:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and

Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. 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.
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.
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.
5. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
6. 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>

7. 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.
8. 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.
9. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on [www.dacorum.gov.uk](http://www.dacorum.gov.uk) by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

#### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p>No objection on noise or air quality grounds.</p> <p>Regards</p> <p>Neil</p> <p>Neil Polden Lead Environmental Health Officer Environmental and Community Protection</p>
Environmental And Community Protection (DBC)	<p>Daniel,</p> <p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application is for a proposed use that would be particularly vulnerable to the presence of contamination, and as such the possibility of ground contamination cannot be ruled out at this stage. Therefore, the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions: Condition 1:</p>

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

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

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

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

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

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

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

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

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to

	<p>and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are considered to be in line with paragraphs 170 (e) &amp; (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a> by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p> <p>Please let me know if you have any questions. Regards</p> <p>Victoria Persen (Graduate Environmental Health Technical Officer)</p>
Parish/Town Council	<p>Objection</p> <p>The Committee noted the number of public objections to the application on the portal and objected to the proposal, which is an overdevelopment of the site. The Committee were concerned that there is no provision in the application to address remediation or compensation for the loss of vegetation, which undermines the council's commitment to biodiversity. The Committee noted comments made by Highways regarding sight lines from the properties. It was concerned about the potential safety issues which could be caused by this and the lack of footway on Cross Oak Road.</p> <p>CS11, CS12, CS29</p>
Thames Water	<p>Dear Sir/Madam</p> <p>Re: LAND TO REAR OF CHERTFORD, CROSS OAK ROAD, BERKHAMSTED, HERTFORDSHIRE , HP4 3NA</p>

#### 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

	<p>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 <a href="https://www.gov.uk/government/publications/groundwater-protection-position-statements">https://www.gov.uk/government/publications/groundwater-protection-position-statements</a>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p> <p>Yours faithfully Development Planning Department</p> <p>Development Planning, Thames Water, Maple Lodge STW, Denham Way, Rickmansworth, WD3 9SQ Tel:020 3577 9998 Email: devcon.team@thameswater.co.uk</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) 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 20/073-074/102 A. 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.</p> <p>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).</p> <p>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:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should</p>

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 2) 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 3) 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.

AN 4) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavem>

ents/business-and-developer-information/development-management/highways-development-management.aspx or by telephoning 0300 1234047.

#### Comments

The proposal is for the construction of 2no. detached dwellings on Land To Rear Of Chertford 126 Cross Oak Road, Berkhamsted. Cross Oak Road is a 30 mph unclassified local access route that is highway maintainable at public expense. HCC Highways previously provided pre application advice for this site.

#### Vehicle Access

The dwellings are proposing to use an existing access onto Cross Oak Road to provide highway access from a long drive to the two proposed dwellings. The access will not be altered regarding the highway network but the foliage fronting the access will be trimmed to ensure the visibility splays on drawing number are maintained 20/073-074/102 A. If any work is to be completed within the highway network then a 278 agreement must be completed by the applicant - please see informative 4 above.

The visibility splays presented of 2m x 23 metres are only achievable so as long as the hedges to the south-west of the access, which has been illustrated within the plans, is removed or relocated.

Vehicular to vehicular visibility (through the provision of 2m by 23m visibility splays) from the proposed access is considered to be sufficient. This level is acceptable when taking into consideration the nature and speed of traffic on the adjacent highway (to be below 30 mph) and the fact that the proposed access is near an island which will greatly reduce vehicles speeds. The highway adjacent to the property lacks any footway and the reduced 2.4-metre vis splay to 2 metres with the inclusion of the island on the same side of the highway means that the reduction is not considered a severe safety breach. From observations, it appears that the access onto the highway network was completed before 2019. The two dwellings are not considered to greatly increase trips to and from the adjacent highway network.

The proposal provides 3 parking spaces per dwelling and enough room for cars to turn on site to enter and exit the highway network in forward gear which is deemed necessary.

#### 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>Refuse / Waste Collection Dacorum Borough Council is in charge of refuse collection and thus will have the final say on the outcome of private bin collection and the location of such.</p> <p>Emergency Vehicle access Concerning the fire appliance accessing the site, normally we would require this as the highway authority owing to the distance being greater than 45 metres to all parts of the building. However, the mention of a sprinkler system within the planning statement would need to be forwarded to Herts Fire and Rescue to deem if this is suitable for the development. HCC Highways will agree with any assessment made by the fire service in relation to fire safety, with the acknowledgement that in its current form fire appliance vehicles cannot turn on site.</p> <p>Conclusion HCC has no objections or further comments on highway grounds to the proposed development subject to final comments made by HCC Fire and rescue in terms of the installation of a sprinkler system. This recommendation is subject to the inclusion of the above highway informatives condition.</p> <p>Signed George Fermer 9 July 2021</p>
Trees & Woodlands	<p>Hi Daniel,</p> <p>With regard to Planning Application 21/02639/FUL.</p> <p>The application proposes the construction of 2 new dwellings. According to the information submitted a high number of trees are identified for removal (15) in order to facilitate the development. The Tree Survey indicates of these 10 trees are categorised as 'B' and are considered of moderate quality in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. No provision has been made to retain these moderate quality trees and no mitigation planting has put forward to support the development with regard to tree loss. Consequently, I consider the loss of these trees without appropriate mitigation proposals unacceptable and therefore cannot support the proposal.</p> <p>Kind regards,</p> <p>Darren Hemmings Tree Officer</p>

	Dacorum Borough Council
Trees & Woodlands	<p>Hi Daniel,</p> <p>With regard to Planning Application 21/02639/FUL.</p> <p>The information submitted indicates there are trees within the development site which require removal. Many of the trees are considered to have limited landscape and/or amenity value within the development site. However, T15 (as listed on the submitted Tree Survey) is a significant tree and should be retained. The addition of 5 new native trees is suitable mitigation for tree removals proposed if T15 is retained.</p> <p>Proposals to protect retained trees as set out in the submitted Tree Protection Plan are suitable and should ensure trees are afforded the best likelihood of reaching maturity post development.</p> <p>Kind regards,</p> <p>Darren Hemmings Tree Officer Dacorum Borough Council</p>
Hertfordshire Ecology	<p>Dear Daniel,</p> <p>Application Reference: 21/02639/FUL Proposed development at: Land To Rear Of Chertford 126 Cross Oak Road Berkhamsted Hertfordshire HP4 3NA Proposal: Construction of 2no. detached dwellings</p> <p>Thank you for consulting Hertfordshire Ecology on the above. I apologise for the delay with this reply. I am pleased to see the ecological report submitted in support of this application - Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey, 4 May 2021 prepared by Arbtech.</p> <p>The site was visited on 27 April and comprises the ends of two rear gardens. It has poor semi-improved grassland that is occasionally mown, some scattered scrub, shrubs, some formerly cultivated land, ruderal vegetation, hardstanding, dumped rubbish and a small shed. The site is fenced and there are trees and hedgerows around the boundary. It is described as backland.</p> <p>The ecological report provides an adequate assessment of the impact of the proposals and is based on appropriate survey method and effort. No further surveys are recommended - unless beech tree T1 located on</p>

	<p>the western corner is proposed for removal, which currently it is not. If T1 is to be removed it will require a bat climbing endoscope survey immediately before felling to check for any potential roost features obscured by the ivy.</p> <p>The likelihood of an adverse ecological impact is negligible-low, but the reports suggests reasonable precautionary measures to ensure that legally protected species are not harmed. Several appropriate biodiversity enhancements have been suggested including native-species planting, integrated bat and bird boxes within the fabric of the new building, log piles, and gaps in fencing to allow free movements of hedgehogs.</p> <p>There are a number of trees on and adjacent to the site. Seven trees and three groups / hedges are proposed for removal and this will result in a small loss of biodiversity from the site, albeit of limited intrinsic ecological value.</p> <p>I would like to see how the loss of trees and hedgerows will be mitigated for and how the site will be enhanced for biodiversity and achieve net gain. I recommend a Landscape and Ecological Management Plan (LEMP) is submitted by condition. This should be based on the measures listed in the ecological report.</p> <p>I trust these comments are of assistance.</p> <p>Yours sincerely,  Anita Parry  Ecology Advisor  Hertfordshire Ecology  Hello Daniel,</p>
Hertfordshire Ecology	<p>Yes, the LEMP is acceptable. If it needs a condition for it to be implemented, rather than it merely being accepted as a submitted document that will be followed in full, I can suggest wording along the lines of:</p> <p>Prior to occupation of the dwellings, a report / technical note to demonstrate biodiversity mitigation, compensation and enhancement measures have been achieved from the development shall be submitted to the Local Planning Authority for written approval. This shall be based on the submitted Landscape and Ecology Management Plan prepared by Arbtech Consultants in October 2021.</p> <p>I think that covers it ecologically.</p> <p>Kind regards</p>

	Anita
Hertfordshire Ecology	<p>Hi Daniel Just found my previous response, so I'll quickly add the same comment...</p> <p>Yes, the LEMP is acceptable. If it needs a condition for it to be implemented, rather than it merely being accepted as a submitted document that will be followed in full, I can suggest wording along the lines of:</p> <p>Prior to occupation of the dwellings, a report/technical note to demonstrate biodiversity mitigation, compensation and enhancement measures have been achieved from the development shall be submitted to the Local Planning Authority for written approval. This shall be based on the submitted Landscape and Ecology Management Plan prepared by Arbtech Consultants in October/November 2021.</p> <p>Note: The amended LEMP appears undated. Was it produced in Oct or November? Amend as necessary</p> <p>Anita Parry</p>
Hertfordshire Fire & Rescue	<p>HFRS are satisfied that the proposal meets the guidance for access for a fire appliance as given in ADB vol.1 2019. It is noted that no information is provided re water supply or the location of the nearest hydrant which should be within 90m of an entry point into the building.</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
11	13	0	13	0

### Neighbour Responses

Address	Comments
<p>Brambleway House Cross Oak Road Berkhamsted Hertfordshire HP4 3NA</p>	<p>The proposal to develop two properties on this site will cause a significant destruction of green space. A significant number of trees would need to be removed which is unacceptable in such a green area within Berkhamsted. There will be a negative affect to wildlife where we currently see many birds, bats etc.</p> <p>The height of the properties are far too high for the location and will cause the adjoining properties to be overlooked and their privacy affected.</p>

	<p>The increase in traffic at this part of cross oak road is not acceptable. We currently have major issues with traffic congestion at the top of the road, particularly where the road narrows. To have four more vehicles coming into the road in this location will be extremely dangerous. Many pedestrians are already adversely affected by the traffic. I strongly object to this planning proposal.</p>
<p>Dormers Cross Oak Road Berkhamsted Hertfordshire HP4 3NA</p>	<p>The proposed development of 2x 2 storey houses behind 126 Cross Oak Road is not in keeping with the character of the road. Whilst other developments have been approved, these lie much further back from sight of the main road and have more open space both in front and behind. The height of these houses means that windows will overlook our back garden, which will reduce our privacy and consequently affect the value of our house. Vehicular access for multiple cars to a drive which is very narrow will be difficult - especially given the turning space available and in view of the speed of cars using Cross Oak Road. We live at the top of the road and it is becoming increasingly difficult to leave our driveway; multiple construction vehicles attempting to use this access will cause chaos to what is an already challenging road to drive in (and cross!) during peak times. We are very much opposed to developments which do not offer owners access to green space and privacy - and these properties offer neither. We object strongly to this development and hope you take the needs and wishes of neighbours into consideration when assessing the proposal.</p>
<p>Ardraccan Cross Oak Road Berkhamsted Hertfordshire HP4 3NA</p>	<p>The implied precedents for recent new dwelling approvals in Cross Oak Road are for a single property accessed by a private driveway, the newer property being at a lower elevation and designed to maximise privacy for both. The submitted site context plan is incorrect as Cherry Trees is the original property at the higher elevation and Lastallion the newer property at the lower elevation. The land rises on the North side of the Road, exacerbating potential light and overlooking issues, which should be properly considered for residents affected.</p> <p>The proposed access to the highway is not currently in use, having been opened up for submission of planning applications. This is very narrow (not correctly to scale on the plans), and also given the length, totally unsuitable for regular movements of multiple personal and service vehicles from separate households onto a busy road with poor visibility. Construction and delivery vehicles already regularly block access and visibility in the Road. The proposed entrance also does not appear to conform to planning requirements for access or turning by emergency and utility vehicles. The Highways comments make an optimistic reference to possible sprinkler systems, but it cannot be assumed that this would mitigate risk and even if installed, that these would be acceptably maintained in the future.</p> <p>The Highways comments incorrectly imply that this is a quiet residential road where all users drive below 30mph and the adjacent traffic island reduces speed even further. There is vehicle gridlock at work and school peak times and a lot of schoolchildren on foot crossing roads with poor visibility. At other times speeding is commonplace with aggressive behaviour around the traffic island.</p>

<p>Charnwood Cross Oak Road Berkhamsted Hertfordshire HP4 3NA</p>	<p>I am very concerned about the impact of the proposed development on road safety due to the increased flooding risk and danger to road users and pedestrians alike unless the surface drainage on the road is improved.</p> <p>Further development runs the risk of channelling more water towards the road and increasing the danger. Currently, surface water pools at the traffic calming measure and is channelled towards the pavement (there is pavement only on one side) and with heavy rain the pavement has flooded over with heavy rainfall, which is a hazard for pedestrians.</p> <p>In addition to the danger to road users, additional development without addressing the inadequate drainage is likely to impact on my property. The ditch outside my property regularly gets full with water which has nowhere to drain, so when it overfills the excess water spills over and floods my property as there is no where else for the water to go since the drains are blocked. This has caused water damage to my driveway, floods my garden, and makes it extremely hazardous to access the property. I rely on 24 hour care, and safe access to the property for carers and for my wheelchair use is imperative.</p> <p>The proposed development increase the risk and danger of flooding without improvements to the drainage and possibly, re-siting of the traffic calming measures which currently channel the water towards the pavement.</p> <p>I would like you to take these concerns seriously before you grant planning permission.</p> <p>In addition, although you state that the proposed development would rely on existing access, I do not believe that planning permission was in fact granted for that access since the previous planning application was turned down in August 2018.</p>
<p>C/o Aitchison Raffety</p>	<p>refer to the planning application and your consultation letter in respect of the above matter. On behalf of Chertford, 126 Cross Oak Road, Berkhamsted, I confirm our OBJECTION to the proposal.</p> <p>The main concerns with the proposed development relate to:</p> <ol style="list-style-type: none"> <li>1. Its cramped layout and over-development of the site;</li> <li>2. The impact on Cross Oak Road street scene;</li> <li>3. The poor standard of environment for future occupiers;</li> <li>4. The overbearing and oppressive impact it would have on neighbours;</li> <li>5. Highway safety and land ownership; and</li> <li>6. Flood risk.</li> </ol> <p>These concerns are set out in turn below.</p>
<p>The Spinney Cross Oak Road Berkhamsted Hertfordshire HP4 3NA</p>	<p>1 The current application may lead to a scheme which has been rejected previously This application is a revised version of an application for 2 x 5 bedroom houses which has been submitted previously and rejected. If the developer now intends to provide only 2 x 3 bedroom houses as shown in the drawings he could provide this with a 1.5 storey solution</p>

	<p>with a lower ridge height.</p> <p>However from the drawings, the mass of the individual houses, and in particular the size of the loft area, would enable a further 2 bedrooms and bathroom to be constructed in each roof after the developer's application has been granted.</p> <p>My concern is that, if this application is approved, it could lead to the approval of the original rejected scheme in two steps rather than one. For this reason I propose that this application should be approved only if future permitted developments rights (eg dormer or Velux type windows) are withdrawn.</p> <p>2 The access to Cross Oak Road increases the risk of accident to pedestrians</p> <p>I understand that the existing driveway did not receive planning permission when the previous scheme was rejected and therefore had to be evaluated ab initio.</p> <p>The "traffic calmer" section of Cross Oak Road where the new access is proposed is subject to severe flooding even during periods of only moderate rainfall.</p> <p>In recent months the traffic on Cross Oak Road has become very heavy at peak times and queues back up to Shootersway and down to the blind corner lower down Cross Oak Road. Far from being a "traffic calmer", the "pinch point" at the top of Cross Oak Road has regularly been seen to cause unacceptable levels of frustration to some drivers heading towards the town who consider that they have been unreasonably held up by the "traffic calmer". The result is increased speeds (above the limit) from such drivers as they enter the blind corner lower down. This corner is not only blind but is practically only single file. It has no pavement and is used by parents and children walking to school at peak times. This is currently an unacceptable risk which the Highways authority should investigate before a serious accident occurs.</p> <p>It follows that the emergence of additional cars from the new development at the head of the queue at the "pinch point" and without good visibility increases the risk of such a possible accident.</p> <p>3 The width of the drive to the development looks to be inadequate for emergency services</p> <p>It is not possible to be definitive from the scale of the drawings provided however, because the drive has not previously had planning permission it needs to be reviewed by the emergency services.</p>
<p>18 Crossways Berkhamsted Hertfordshire HP4 3NH</p>	<p>Introduction: We object to this proposal on the grounds that it is an overdevelopment of the site, out of keeping with the surrounding residential density and character. The majority of dwellings at this top end of Cross Oak Road and the adjacent Crossways are unique properties sitting in large plots with plenty of green space. Most properties enjoy a high level of privacy with minimal overlooking between houses and all have their own private access.</p> <p>Density and character: Two large houses and six car parking spaces is too much for the plot size. The proposed houses are almost identical to each other, with just a small change in the windows, and of an off the shelf design.</p> <p>Visual intrusion: The two houses are taller than typical 2 storey houses at over 8m and so we assume they are being designed so that they can become 3 storey houses. There will be considerable overlooking of</p>

	<p>adjacent gardens on either side, and they will significantly intrude visually in both Cross Oak Road and Crossways, even over the existing tree line and even more so if trees are removed as part of the construction.</p> <p>Loss of trees and impact on wildlife: We have some personal concern about the impact of construction on trees at the bottom of our garden, as mentioned in the Arb impact assessment. There is some suggestion that root damage could occur to the groups of trees on the boundaries of the properties and we would be very concerned about the impact of this on our trees. There are currently Red Kites roosting regularly in the north western trees in the proposed plot and we see bats on occasion.</p> <p>Access to property and noise: The driveway to the proposed properties is very narrow and seems highly unsuitable for six cars and delivery vans, with such a small turning circle at the end. There is potential for significant noise and pollution.</p> <p>Conclusion: The plot size may accommodate a single dwelling at most, limited to two storeys eg a chalet bungalow, thus retaining more of the trees and limiting access to one household. This would be much more in keeping with the character and density of the area. However, this current planning application appears to be based on building maximum profit for the person(s) submitting it, as opposed to meeting a housing need or considering the wellbeing of existing and new residents.</p>
<p>Lastallion Cross Oak Road Berkhamsted Hertfordshire HP4 3NA</p>	<p>We wish to object to the proposal on the grounds of over development. Cross Oak Road is now busy, particularly, during the rush hour and especially during term-time. The tail-back from Shootersway can pass beyond the calming measure and can be stationary and slow-moving, thus, making it difficult for residents to join the traffic. The proposal for a further two houses and associated motor vehicles can only add to this congestion.</p> <p>We further object to the proposal on the grounds that a further driveway will increase the flood risk on Cross Oak Road by channelling more rainwater onto a road which already has a flooding problem. The road can flood at the calming measure during times of heavy rainfall and drainage is not adequate. The road and pavement can flood and the ditch overflow. This is a hazard to both pedestrians and vehicles.</p> <p>We trust that you will give due consideration to the points raised.</p>
<p>Arnside Cross Oak Road Berkhamsted Hertfordshire HP4 3NA</p>	<p>Land at the rear of Chertford and Dunclutha Cross Oak Road Berkhamsted HP4 3NA Planning reference 21/02639/FUL</p> <p>Please accept this letter as a formal objection to the proposed construction of two dwellings at the above mentioned site.</p> <p>There would appear to be inaccuracies in the information submitted in support of this application and I would ask that all dimension in particular the proposed access arrangement is revisited. This said, I set out my objections to the proposed application below.</p> <p>The North Western part of Cross Oak is characterised by large homes</p>

in large plots and the proposed development of two dwellings in this location is wholly inappropriate and out of character. Policy CS11 of the Core Strategy clearly states that 'development should: a)respect the typical density intended in an area and enhance spaces between buildings and general character it is clear from the block plan that accompanies the application that this is not the case in the proposed development. Whilst the site coverage is stated in the application to be 15% this is a high site coverage when the circulation and parking spaces are taken out and leaves a wholly inadequate amount of amenity space for two dwellings. The other identified backland development, in the supporting information submitted with the application are all single dwellings and therefore result in a significantly greater level of amenity area for the individual dwelling. The existence of other backland development in other areas does not make it acceptable in this location. Every planning application should be considered on its merits and this overdevelopment of two rear gardens is overdevelopment in this location.

The overdevelopment of the site leads to the properties being orientated side on to the front of the site and access; the windows on each property face outwards towards the adjoining gardens .In addition the windows on the front elevations of both houses face inwards and are in very close proximity to one another. The boundaries of the application site have significant levels of vegetation both shrubs and trees that are located in the neighbouring properties; these cannot be removed and are going to have significant daylighting issues for the proposed properties. Policy CS12 in the Core Strategy sets out that on each site development should: avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.

There is currently a change in levels between the two existing gardens of Dunclutha and Chertford, the garden of Dunclutha being in excess of 1m lower than that of Chertford; it is not clear from the plans at what level the proposed development will be based. The street scene illustration does not indicate what baselevel the dwellings will be constructed on but does indicate that the houses will be visible from Cross Oak Road. Despite the levels disparity the ground to ridge height of the dwellings proposed is excessive. The ridge height is some 2m or more higher than the average two storey property and are unacceptable as they are overbearing on the properties to the front of the site on Cross Oak Road and would be visible from street level behind the existing dwellings.

The proposed access onto Cross Oak Road will give rise to highway safety issues; introducing an additional access onto the road at the point where there is a stopping area to allow vehicles to pass the traffic calming chicane that exists on the road. There is regularly a build up of traffic at this point on the road, whilst there are also less frequent occasions where the presence of the chicane causes some vehicles to speed up to pass through. Policy CS12 in the Core Strategy again states on each site development should provide a safe and satisfactory means of access for all users .This application does not comply with this criteria.

	<p>The visibility splays proposed are substandard, there is no reason for a substandard visibility splay to be permitted and particularly where the access arrangements may lead to a compromise in highway safety.</p> <p>I therefore ask that you give careful consideration to my concerns regarding this application and refuse the application as overdevelopment and out of character in this location combined with the excessive nature of the height of the proposed dwellings and the potential highway safety issues that would occur with an additional access onto Cross Oak Road so close to the traffic calming chicane.</p>
<p>19 Crossways Berkhamsted Hertfordshire HP4 3NH</p>	<p>My objections are as follows:</p> <ul style="list-style-type: none"> <li>- Whilst I can understand the desire, and planning acceptance, of infills where they are side by side and where there is no interruption of line of sight back to front and no disruption to the separation and aesthetic of the established housing stock , this is a wholly different proposition which I feel sets a dangerous precedent. If the application is accepted I can envisage any number of applications, resulting in a mini modern housing estate carved out of gardens up and down both Crossways and Crossoak which will overturn and destroy the inherent separation that the back to back gardens were intended to provide.</li> <li>-Reduced separation will lead to more noise at the bottom of up to 5/6 houses that are not the beneficiaries of the profit that the plan is designed to achieve - this is not a philanthropic enterprise!</li> </ul> <p>The two properties will result in more traffic movement very close to existing borders with the two properties abutting the road to the properties that is to be carved out, with spaces for up to 6 cars as well as the parking and turning noise impacting on properties on Crossways</p> <ul style="list-style-type: none"> <li>- resulting in significant potential traffic movement throughout the day and night with resultant unacceptable noise levels</li> <li>-The plan introduces another junction onto Crossoak which is already a difficult road to navigate safely for cars and pedestrian with up to 6 cars having to access and egress the site onto an already busy road numerous times a day - a road that has already required significant traffic calming measures and is restricted in parts to one way with subsequent impact on traffic movement and queuing at certain time of the day</li> <li>-The properties are orientated such that when trees are not in bloom there will be uninterrupted views in gardens on Crossways and Crossoak and an invasion of privacy that has been enjoyed since the 1930's</li> <li>-A broader concern over the impact on local resources including local schools</li> <li>-Increased rainwater run off will increase risk of flooding on Crossways that already has periodic significant issues in this regard with drainage already at capacity</li> </ul>

	<p>There has already been applications for developments on both shootersway and crossways with significantly less impact that have been refused and this development adds nothing to local infrastructure nor does it ease housing requirements for those aspiring to live in the area - only an opportunity for profit.</p>
<p>Winsford Cross Oak Road Berkhamsted Hertfordshire HP4 3NA</p>	<p>I write re: planning application 21/02639/FUL (Rear of Chertford, Cross Oak Road). I live at Winsford, Cross Oak Road, and would like to raise the following objections to the above planning application.</p> <ol style="list-style-type: none"> <li>1. We are adjacent to Property 2 of the planned development. The proposed height of this new house is in the region of 8m, and it's front elevation will overlook our plot. Dormers or veluxes (not clear which will be relevant) will have a clear view of our garden. The height and size of these properties are completely out of scale with surrounding properties. Two bungalows or low-lying 2-storey properties (rather than 8m high three-storey houses) would be more sympathetic to surrounding houses. It would also mirror Dacorum's policy of blending new developments into the surrounding landscape. This proposed plan displays a profound over-development on this site.</li> <li>2. Proposals of back land development are at odds with the established build line in Cross Oak Road. This is out of character to the natural rhythm of houses fronting the road, and private domestic gardens to the rear. Guidance for back to back distances is 11m for each garden and these plans are likely to fall short of this.</li> <li>3. The proposed access road to both plots is in reality narrower than the drawings. Current dimensions (especially width of access) do not allow for emergency vehicles, large vehicles in general, and adequate turning space.</li> <li>4. Vehicular movements of coming and going to the proposed dwellings will have an impact on how we use our garden in respect to headlights coming to the back of house and garden.</li> <li>5. Setting a precedent for more back land development and the adhoc approach of creating an additional driveway onto Cross Oak Road where the traffic calming narrowing is in place will cause confusion and chaos with speeding traffic.</li> </ol> <p>I would be grateful if you would take these objections into serious consideration when deciding this application.</p>
<p>Mariners Cross Oak Road Berkhamsted Hertfordshire HP4 3NA</p>	<p>I am a resident of Cross Oak Road and wish to register my concerns over the planned development as referenced above.</p> <p>My greatest concern with the building of 2 new houses is that this will involve the addition of more regular traffic. This will mean more cars turning and exiting into/out of Cross Oak, an already much used rat run for the commuting people of the town. The road is already too fast and too dangerous for the school children who walk this way and already have to deal with no footpath for a part of the road. I am certain the development fo 2 new houses will only exacerbate this issue. It only takes for someone to stand at this location on a usual school/work morning to see how much of a bottleneck already exists here. It is very difficult to get onto the road at all in peak times.</p>

	<p>The entrance/exit to these proposed houses is very close to other driveways and they already have difficulty getting into and out of their driveways due to the poor visibility on what can be a very fast road.</p> <p>Please takes these traffic safety concerns into account in this decision.</p>
<p>17 Crossways Berkhamsted Hertfordshire HP4 3NH</p>	<p>The proposal would represent a significant intrusion of the privacy of ours and our neighbours' properties on Crossways, which back onto the proposed development. Currently, the affected houses on Crossways enjoy complete privacy with no overlooking. The construction of the proposed development would materially change that because our gardens and houses would be directly overlooked, materially affecting the amenity of our homes.</p> <p>The visual intrusion of the proposed development would be significant, particularly given both houses will be two-storey.</p> <p>The additional dwellings so close to the boundary would generate noise and disturbance resulting from use, particularly given the size of the proposed houses - two-storey family homes with multiple cars but on relatively small plots.</p> <p>It is not clear why the owners want to squeeze two two-storey family houses on such a small site. The plans seem disproportionate. We also understand that similar, but smaller and less intrusive plans for properties in the immediate surrounding area have in the past been rejected. It would be inconsistent to permit this sizeable development to go ahead, and would potentially set the path for future similar applications, which risks completely changing the character and amenity of the area.</p>