

ITEM NUMBER: 5b

21/04093/FUL	Construction of a single detached dwelling with detached garages and associated works	
Site Address:	The Grange, 8 High Street, Markyate, St Albans, Hertfordshire, AL3 8PD	
Applicant/Agent:	Mr J Kent	Mr Neil Hansford
Case Officer:	Heather Edey	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Contrary View to Parish Council	

1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation if necessary to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development is considered to be acceptable in design/visual amenity terms and in terms of its impact on designated heritage assets Grade II Listed Building The Grange and the Markyate Conservation Area, noting that the works would not detract from the character and appearance of the streetscene, and would still allow the setting and distinctiveness of these heritage assets to be read.

2.2 Furthermore, it is not considered that the development would adversely affect the residential amenity of neighbouring properties in terms of being visually overbearing or resulting in a significant loss of light or privacy, given the relationship and separation distances retained between the development and neighbouring properties and noting the nature of existing ground levels. Given that the proposal would not result in any changes to the existing site access or adjacent highway, it is not considered that the proposal would generate any highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would be provided for current and future occupiers of the site in line with the relevant policies. Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS27 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

3.1 The application site comprises the rear garden of Grade II Listed Building The Grange, No. 8 High Street, a large house which has been subdivided to comprise properties 4-8A High Street. The Grange is in a poor state of repair and as such, is considered to be a 'Building at risk'. It occupies a large sensitive plot within the historic Large Village of Markyate and partially falls within the Markyate Conservation Area. The site falls within a Former Land Risk zone for ground contamination.

4. PROPOSAL*Previous History*

4.1 Under application 4/00095/18/FUL, planning permission was previously sought for the construction of a two storey, five-bed detached dwellinghouse in the rear garden of the Grange. It was proposed that the new dwelling would front and utilise the existing access from Grange Close,

and that the dwelling would be served by five off-street car parking spaces, three of which would be provided by way of the proposed new garages.

4.2 Objections were however raised to the scheme by the Conservation and Design Officer, on the grounds that the proposal, (by way of its erosion of the rear garden of The Grange), would harm the setting of Grade II Listed Building The Grange and the Markyate Conservation Area. The level of harm identified was considered to be less than substantial, moderate harm and given that the public benefits of the proposal were not considered to outweigh the harm identified to these designated heritage assets, it was recommended that the development be refused.

4.3 The Applicant appealed against the above refusal, and the development was allowed at appeal under appeal reference APP/A1910/W/19/3234508.

Current Proposal

4.4 Under the current application, planning permission is sought for a similar scheme, with the application proposing the construction of a four bed detached dwellinghouse with associated parking.

5. PLANNING HISTORY

Planning Applications

20/01245/FUL - Proposed re-roofing works
GRANTED - 22nd July 2020

20/01246/LBC - Proposed re-roofing works
GRANTED - 22nd July 2020

22/03209/LBC - Installation of solar panels.
PENDING

4/00095/18/FUL - Construction of a single detached dwelling
REFUSED - 5th June 2019

Appeals

4/00095/18/FUL - Construction of a single detached dwelling
ALLOWED - 9th January 2020

6. CONSTRAINTS

CIL Zone: CIL3

Markyate Conservation Area

Former Land Use (Risk Zone):

Large Village: Markyate

Parish: Markyate CP

RAF Halton and Chenies Zone: Green (15.2m)

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

Parking Standards: New Zone 3

EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (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

CS27 – Quality of the Historic Environment

CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)

Planning Obligations (2011)

Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;

The quality of design and impact on visual amenity;

The impact on residential amenity; and

The impact on highway safety and car parking.

Principle of Development

9.2 The site falls within a designated residential area in the Large Village of Markyate, wherein Policies CS1 and CS4 are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) guides new development to towns and large villages, encouraging the construction of new development and housing in these areas. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas.

9.3 In light of the above policies, the proposed development for the construction of a detached dwelling within a residential area in the Large Village of Markyate is acceptable in principle.

Impact on Heritage Assets

9.4 The application site comprises the existing rear garden of Grade II Listed Building The Grange, and falls within the Markyate Conservation Area.

9.5 The NPPF (2021), Saved Policies 119 and 120 of the Dacorum Borough Local Plan (2004) and Policy CS27 of the Dacorum Borough Core Strategy (2013) all seek to ensure that new development will protect, conserve and where possible enhance the integrity, setting and distinctiveness of designated and undesignated heritage assets. Furthermore, the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses and that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

9.6 Under previous scheme 4/00095/18/FUL, the Conservation and Design Officer raised objection to the construction of a new dwelling in this location, considering the development to adversely affect the setting and distinctiveness of designated heritage assets, (i.e. the Markyate Conservation Area and Grade II Listed Building, The Grange). In particular, concerns were raised that a new dwelling would serve to erode the green, open space to the rear of Grade II Listed Building The Grange, considered to make a positive contribution to the setting of The Grange and the Markyate Conservation Area though providing an important buffer between the Grade II Listed Building and modern development along Grange Close.

9.7 Whilst the objections raised by the Conservation and Design Officer under the previous scheme were considered at appeal, the Planning Inspector reached a different view, subsequently allowing the appeal. Whilst in agreement that a dwelling on the site would encroach into the rear curtilage of The Grange, the large garden retained for this property was considered sufficient to distinguish the Grade II Listed Building from the new dwelling and to allow its features and setting to continue to be read. Furthermore, given that the plot/build ratio of the development was noted to be consistent with existing development along Grange Close, it was concluded that the proposal would harmonise with existing development, preserving the character and appearance of the Markyate Conservation Area and Grade II Listed Building, The Grange.

9.8 In considering the current scheme, the Conservation and Design Officer has given significant weight to the conclusions made by the previous Planning Inspector. In light of the similarities between the two schemes, the Conservation and Design Officer has raised no objection to the works on the grounds of its impact on designated heritage assets.

9.9 Given everything considered above, the proposed development is considered to be acceptable in terms of its impact on designated heritage assets, preserving the character and appearance of the Markyate Conservation Area and the setting of Grade II Listed Building The Grange. The proposal therefore complies with Saved Policies 119 and 120 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF (2021).

Quality of Design / Impact on Visual Amenity

9.10 The NPPF (2021) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Appendix 7 of the Local Plan (2004) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

New Dwelling

9.11 The application proposes the construction of a four bed detached dwelling, to be sited in the same location as the previously approved dwelling.

9.12 Whilst similar in scale to the previously approved dwelling, the new dwelling would have a reduced footprint, (amounting to an approximate footprint of 130m² rather than the 172m² previously approved). The external appearance of the dwelling would also be significantly altered, with the current scheme moving away from the previous contemporary design and proposing the construction of a large detached property with a two storey gable fronted projection, and two gable roofed dormer windows.

9.13 The proposed new dwelling would not be visible from the High Street or Cavendish Road, given its scale and positioning. Whilst visible from public vantage points along Grange Close, it is not considered that the dwelling would appear out of keeping with existing development, given that Grange Close is characterised as comprising a mix of semi-detached and detached dwellings and bungalows of mixed architectural style and design.

9.14 Whilst there is no strong theme in the characteristics of neighbouring buildings along Grange Close, the design and proposed material finishes of the new dwelling have been finalised following negotiations with the Conservation and Design Officer. The current scheme proposes that the dwelling comprise flint walling external walls with york handmade old clamp facing brickwork and contrasting facing brickwork feature banding, a roof clad in marley old english red dark roof tiles and uPVC windows and doors coloured in painswick.

9.15 Given that the proposed material finishes have been selected to be in keeping with the traditional palette of materials typically used in the construction of dwellings in the surrounding area, it is felt that the new dwelling would respect adjoining properties in design terms, integrating with the streetscape character. Furthermore, it is noted that the proposed brickwork feature banding would serve to reduce the visual bulk and prominence of the dwelling, whilst also creating new visual interest.

9.16 Whilst considered acceptable in principle, it is advised that a condition be attached to the formal planning permission requiring the Applicant to submit samples of the proposed material finishes to the Local Planning Authority (LPA) for approval.

New Access/Driveway and Garages

9.17 The application also proposes the creation of a new vehicular access from Grange Close to serve the new dwelling, with a large resin finish driveway and associated garage buildings and cycle store.

9.18 Whilst the above works would serve to urbanise the site, it is not considered that these works would render the site out of keeping with neighbouring development, given that Grange Close is characterised as comprising large detached properties with large areas of front off-street car parking. Furthermore, consideration is also given to the fact that the plot would retain an ample ratio of built form to open space, therein preserving the open, verdant character aspect of this part of Grange Close.

9.19 Given the above assessment, the proposal is considered to be acceptable in design terms/visual amenity, according with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 7 of the Local Plan (2004) and the NPPF (2021).

Impact on Residential Amenity

9.20 The NPPF (2021) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

Impact on The Chalet

9.21 The submitted site section plan, (drawing reference L-04 Rev B), indicates that the new dwelling would be sited on significantly lower ground levels than neighbouring property The Chalet. Taking this into account and noting that a separation distance of approximately 5.6m, would be retained between the two properties, it is not considered that the new dwelling would appear visually intrusive to this neighbouring property.

9.22 The proposed new dwelling has been designed to avoid obstructing light to the habitable windows of neighbouring property The Chalet. The submitted elevation plan, (drawing reference L-03 Rev E), indicates that the dwelling would clear a 25 degree line taken from the nearest side facing habitable windows of this neighbouring property. Furthermore, whilst not indicated on the submitted plans, the proposal would clear 45 degree lines taken from the centre of the rear habitable windows of this neighbouring properties. Taking this into account, the proposal would accord with the guidance set out under the Building Research Establishment's (BRE) - Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011), therein having no adverse impacts on the lighting received to this neighbouring property.

9.23 The proposal would comprise two first floor side windows facing towards The Chalet. Given that these windows could be used to facilitate the harmful overlooking of this property, it is advised that a condition be attached to the formal planning permission requiring these windows to be obscure glazed and non-opening. It is considered that this measure would ensure high standards of residential amenity are preserved for occupiers of The Chalet and for future occupiers of the new dwelling, (given that both windows would serve en-suite bathrooms).

9.24 The application proposes the creation of a first floor level balcony. The new balcony would be sited approximately 3.4m away from the shared boundary and would comprise a side wall measuring approximately 1.7m high. Taking these factors into account and the scale, height and positioning of The Chalet's detached garage and the significant difference in ground levels between the two properties, (as indicated on drawing reference L-04 Rev B), it is not considered that this addition could be used to facilitate any harmful overlooking of this neighbouring property or that a refusal of the proposal on these grounds could be sustained.

Impact on the Grange and other High Street properties

9.25 Whilst the proposed new dwelling would be sited on significantly higher ground levels than the Grange and other properties along the High Street, it is not considered that the dwelling would adversely affect the residential amenity of these neighbouring properties in terms of being visually overbearing or resulting in a significant loss of light or privacy, given that a separation distance of approximately 33 metres would be retained between the proposal and these neighbouring properties.

Impact on the Lodge

9.26 The dwelling would be located approximately 17 metres away from the flank elevation of The Lodge, at an oblique angle. This separation distance, when considered together with the orientation between the two properties is considered to be sufficient to ensure that the new dwelling would not appear visually intrusive or result in a significant loss of light or privacy to this property.

9.27 The application also proposes the construction of two new garages and a bike store. Given the modest scale of these additions and the separation distances retained between these additions and this neighbouring property, it is not considered that these additions would have any adverse impacts on the residential amenity of this property.

Impact on 4 Park View Drive

9.28 The proposed new dwelling would be located over 34 metres away from No.4 Park View Drive. Whilst local policy fails to set out guidance for minimum separation distances for residential properties sharing side-to-rear relationships, it is noted that the 23 metre minimum rear-to-rear separation distance, (as outlined in Saved Appendix 3 of the Local Plan, 2004), would be exceeded. It is therefore considered that the dwelling would not appear visually overbearing to this property and no significant loss of light or privacy would be experienced by occupiers of this property.

9.29 In light of everything considered above, the proposal would not be considered to have any adverse impacts on the residential amenity of neighbouring properties, according with Policy CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the relevant sections of the NPPF (2020).

Impact on Highway Safety and Parking

9.30 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Policy 58 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.31 The application proposes the creation of a vehicular access off Grange Close. The Highways Authority were consulted as part of the application and have raised no objection to the works, considering the works to have no adverse impact on the safety and operation of the highway network.

9.32 The application proposes the construction of a four bed dwelling. The Parking Standards Supplementary Planning Document (2020) states that a four bed dwelling in this location should provide off-street car parking provision for three cars. Two car parking spaces would be accommodated within the proposed new garages and a further car parking space could be accommodated on the proposed hardstanding to the front of the site. With this in mind, it is concluded that sufficient off-street car parking provision would be provided for future occupiers of the site.

Other Material Planning Considerations

Amenity Space

9.33 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m.

9.34 The proposed new dwelling would comprise a rear garden with a depth of approximately 28 metres. Taking this into account and noting that a rear garden of approximately 30 metres would be retained for The Grange, it is considered that sufficient private amenity space would be retained for both properties in accordance with Saved Appendix 3 of the Local Plan (2004).

Impact on Trees and Landscaping

9.35 Saved Policies 99 and 100 of the Dacorum Borough Local Plan (2004) and Policy CS12 of the Core Strategy (2013) all seek to ensure that trees are retained and protected, and that suitable replacement trees are planted in instances where trees are proposed for removal.

9.36 Whilst seven trees and one small tree group would be removed in order to facilitate the construction of the proposed development, the submitted Tree Report/Arboricultural Impact Assessment notes that these trees are categorised as being of average to poor quality. This document also goes on to note that the loss of these trees would be mitigated by way of new ornamental tree planting.

9.37 A Tree Protection Plan has also been submitted in support of the application, evidencing that protective fencing would be installed around the root protection area of retained trees within the site for the entire course of construction.

9.38 Whilst the Dacorum Trees and Woodlands Officer has failed to comment on these plans, it is considered that the arrangements set out above are acceptable. It is however advised that a condition be attached to the formal planning consent to secure these arrangements.

Archaeology

9.39 Saved Policy 118 of the Local Plan (2004) states that on archaeological sites or monuments of more local importance their settings, physical preservation in situ will be the preferred option and applications may be refused. The County Archaeological Group will be consulted on all planning applications affecting areas of archaeological significance and archaeological potential.

9.40 The County Archaeologist was consulted as part of the scheme and raised no objection to the works, considering the development unlikely to have a significant impact on heritage assets of archaeological interest.

Protected Species

9.41 The presence of protected species is a material consideration, in accordance with the NPPF (paragraph 175), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS26 of the Core Strategy (2013) states that proposals should contribute to the conservation of habitats and species.

9.42 A Preliminary Ecological Appraisal was submitted alongside the planning application and whilst demonstrating that protected Amphibians, (newts and reptiles), are known to be present on the site, it was concluded that the development would not significantly diminish their habitat such as to severely impact them. Furthermore, no bats would be affected by the proposal. The County Ecologist was consulted on the proposal and has raised no objection to the works, confirming their agreement with the findings of this document.

9.43 Mitigation measures have been outlined to ensure the impact of protected species as a result of the development is minimised. Biodiversity enhancements have also be outlined to off-set the impact of the site on protected spaces, with the application proposing the installation of two bat boxes and two bird boxes. The biodiversity enhancements are encouraged and it is recommended that these enhancements be secured by condition.

Refuse

9.44 The submitted plans indicate that space for three refuse bins will be provided to the side of the new cycle storage structure. This location is within close proximity of the highway and meets the standard required within the Refuse Storage Guidance Note (2015). The Highways Authority were consulted on the proposal and have raised no objection to these arrangements.

Response to Neighbour Comments

9.45 Three neighbours have raised objection to the scheme, raising concerns on the following grounds:

- Residential Amenity – The proposed new dwelling and associated garages would have an adverse impact on residential amenity resulting in a significant loss of light and privacy, (in particular to neighbouring properties The Lodge and The Chalet);
- Impact on Heritage Assets – The proposal would have an adverse impact on the character and appearance of Markyate Conservation Area and Grade II Listed Building The Grange;
- Amenity Space – The proposal would result insufficient private amenity space being retained for The Grange;
- Trees – The proposal would have an adverse impact on existing trees;
- Restoration Works – The application fails to propose restoration works to Grade II Listed Building The Grange; and
- Wheelchair Use – The application has omitted the disability element of the previous proposal.

9.46 The first four objections have been assessed during earlier sections of the report. Whilst objections have been raised to the scheme on the grounds that the proposal would fail to include restoration works to Grade II Listed Building The Grange, it is noted that there is no requirement to do so under the current application. (These works were previously required as the proposal was considered to adversely affect the setting and distinctiveness of this designated heritage asset).

9.47 Whilst the original application proposed the creation of a wheelchair friendly development, there is no requirement to do so under the current scheme. The proposal should be considered on its merits with consideration given to the key material planning considerations.

Response to Parish Council Comments

9.48 The Parish Council have raised objection to the scheme on the grounds that the development would amount to the over-development of the site.

9.49 The site is of sufficient scale to accommodate the proposed detached dwelling and facilities required of a dwelling of this scale, with the dwelling comprising sufficient private amenity space, off-street car parking and refuse storage arrangements for future occupiers of the site. Taking this into account and noting that the principle of development has already been established under the previous appeal, it is not considered that the proposal would amount to the overdevelopment of the site.

Community Infrastructure Levy (CIL)

9.50 Policy CS35 of the Core Strategy (2013) requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is CIL liable.

Chiltern Beechwoods Special Area of Conservation

9.51 Natural England wrote to the Local Planning Authority on the 14th March following the publication of the Footprint Ecology Report and as a result, the Council is unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chiltern Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

9.52 As such, in light of the obligations set out in the Conservation of Habitats and Species Regulations 2017, the LPA consider that, as the scheme is for new dwellings and there is a possible likelihood that these dwellings could adversely affect the integrity of the SAC (Chilterns Beechwoods) it is necessary to secure Mitigation to reduce the impact on the SAC (SAMM) and discourage visitors away from the SAC (SANG).

9.53 Dacorum have produced a Mitigation Strategy which sets out specific tariffs towards SAMM and SANG, on a 'per dwelling' calculation to offset the negative impact of the development on the Integrity of the SAC.

9.54 The National Trust has confirmed that these Strategic Access Management and Monitoring (SAMMS) measures will cost a total of £18.2million. This cost will be shared across all of the affected local authorities. In Dacorum, this means that developers will be required to pay a tariff of £913.88 for each new home built.

9.55 To help to reduce recreational pressures on Ashridge Commons and Woods, alternative green spaces need to be identified. All new developments within the Zone of Influence will need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere. Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. We have so far identified Bunkers Park and Chipperfield Common as SANGs. Developers that are unable to provide a suitable new SANG will be required to make a payment to us towards the long-term management and maintenance of these sites, which equates to £4,251 per new home.

9.56 The LPA will seek this financial contribution in order to complete its obligations under the Habitat Regulations.

10. CONCLUSION

10.1 The application is recommended for approval.

10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development is considered to be acceptable in design/visual amenity terms and in terms of its impact on designated heritage assets Grade II Listed Building The Grange and the Markyate Conservation Area, noting that the works would not detract from the character and appearance of the streetscene, and would still allow the setting and distinctiveness of these heritage assets to be read.

10.3 Furthermore, it is not considered that the development would adversely affect the residential amenity of neighbouring properties in terms of being visually overbearing or resulting in a significant loss of light or privacy, given the relationship and separation distances retained between the development and neighbouring properties and noting the nature of existing ground levels. Given that the proposal would not result in any changes to the existing site access or adjacent highway, it is not considered that the proposal would generate any highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would be provided for current and future

occupiers of the site in line with the relevant policies. Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS27 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

11. RECOMMENDATION

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

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

Reason: To preserve or enhance the character and appearance of the designated heritage asset in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS27 of the Dacorum Borough Core Strategy (2013).

3. **The windows at first floor level in the side elevation of the dwelling hereby permitted, (shown as L-03 04 on the submitted elevation plan), shall be non-opening and permanently fitted with obscured glass to a minimum of privacy level three 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).

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

- hard surfacing materials;
- location, height and materials of boundary treatments;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- details and plans showing the position of bird nesting boxes and bat boxes.

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 five 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. **The development hereby permitted shall not commence until metrically scaled details of the retaining walls and finished levels of the site and building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To improve the appearance of the development as required by Policy CS12 of the Dacorum Borough Council Core Strategy (2013).

6. **The trees shown for retention on the approved Tree Protection Plan (prepared by C.A.T. Landscape Consultancy drawing number TPP TG 01) shall be protected during the whole period of site clearance, excavation and construction by the erection and retention of protective fencing positioned beneath the outermost part of the branch canopy of the trees. In areas where tree protection fencing does not sufficiently cover Root Protection Areas, the use of 'no-dig' construction methods shall be incorporated to minimise the impact to trees proposed for retention.**

Reason: To ensure a satisfactory standard of tree work 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).

7. **Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks) works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.**

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Dacorum Borough Core Strategy and Paragraphs 183 and 185 of the National Planning Policy Framework (2021). The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

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

L-01
L-04 Rev B
L-02 Rev B
L-03 Rev E

**Tree Report/Arboricultural Impact Assessment by C.A.T Landscape Consultancy
(CAT PDS 0188-20.9.2017)**

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

Informatics:

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. ENVIRONMENTAL HEALTH INFORMATIVES

Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

HIGHWAYS INFORMATIVES

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/businesslicences/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/businesslicences/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.

CONTAMINATED LAND INFORMATIVES

Informative: Identifying Potentially Contaminated Material

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different

Informative: The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.

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 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
Historic Environment (HCC)	<p>The applicant has in this instance submitted a detailed and comprehensive Heritage Asset Impact Assessment with their application (KDK Archaeology 2017). This document concludes that the site has been heavily landscaped in order to level the site. The development area is also far enough from Watling Street Roman Road to be outside the zone of likely activity that may have been directly associated with that road. An archaeological evaluation a short distance to the south east (A1 Archaeology 2010) found no pre-modern archaeology, and showed that the area had been heavily terraced.</p> <p>In this instance, therefore consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.</p>
Markyate Parish Council	<p>Objection – overdevelopment</p> <p>Object, due to over-development of site. The Council remains of the opinion that this is an over-development of a sensitive site and agrees with the concern expressed by Conservation and Design in December 2021 about the departure from the original intention to create a wheelchair friendly environment. The Council notes the changes to the design in the June application and will be guided by Officers as to whether these are sufficient to address previous concerns in this respect, but even if it does, that won't overcome the Parish Council's underlying concern regarding the development of this site</p>
Environmental And Community Protection (DBC)	<p>With reference to the above planning application, please be advised Environmental Health have no objections or concerns. However I would recommend the application is subject to construction working hours with Best Practical Means for dust.</p> <p>Construction Hours of Working - (Plant & Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The</p>

	<p>applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Noise on Construction/Demolition Sites Informative</p> <p>The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.</p> <p>CONTAMINATED LAND</p> <p>Having reviewed the documentation submitted with the above planning application and having considered the information held by ECP team I have the following advice and recommendations in relation to land contamination.</p> <p>The development, if permitted, will not result in a change of land use and there is no former land use on or immediately adjacent to the application site that would be expected to result in ground contamination. As such the proposed development is not expected to introduce any new pathways of exposure to contamination and in any event the historical land use of the site as residential since it was first developed suggests that contamination would not be expected.</p> <p>As such, it is considered that the following contaminated land 'discovery' planning condition shall be sufficient, if planning permission is to be granted. This provides for unexpected contamination originating from the application site or the migration of contamination from neighbouring sites, to be dealt with in an appropriate way.</p> <p>Discovery Condition - Contaminated Land:</p> <p>Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately</p>
--	--

	<p>addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: Identifying Potentially Contaminated Material Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different</p> <p>Informative: The safe and secure occupancy of the site, in respect of land contamination, lies with the developer. The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.</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 www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
Affinity Water - Three Valleys Water PLC	Thank you for forwarding this application. We have reviewed the development and do not have any comments to make.
Thames Water	<p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. 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.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p>

	<p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>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.</p>
Hertfordshire Highways (HCC)	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatics HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is</p>

	<p>not possible, authorisation should be sought from the Highway Authority before construction works commence.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Comments</p> <p>The proposal is for the construction of a single detached dwelling with detached garages and associated works at The Grange, 8 High Street, Markyate. The dwelling will access via Grange Close. Grange Close is a private route that is not part of the adopted highway network and as such is not highway maintainable at public expense.</p> <p>Vehicle Access</p> <p>The proposal is for a new access onto Grange close which will accommodate a hardstanding and garages to the site. Parking is a matter for the local planning authority and therefore any parking arrangements will need to be agreed by them. As Grange close is not part of the adopted highway network it is not within HCC Highways remit. However, we would recommend that the access be built to standards stipulated in HCC Highways design guide.</p>
--	---

	<p>Refuse / Waste Collection Provision would need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access The proposed dwelling is within the recommended emergency vehicle access of 45 metres from Grange Close to all parts of the building. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'.</p> <p>Conclusion HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative.</p>
Trees & Woodlands	The information submitted indicates there are trees within the development site which maybe detrimentally affected by the proposal. In order to ensure they are appropriately evaluated and afforded suitable protection I require the applicant to submit further information in the form of a tree survey, as described in BS 5837:2012 Trees in relation to design, demolition and construction. The survey should include a tree protection plan recommending suitable construction methods to minimise impact of the development to all adjacent trees.
Conservation & Design	<p><u>Final Comments</u></p> <p>I am now satisfied that the works are acceptable in terms of design. A condition should be imposed that the flint is laid freehand – under no circumstances should flint blocks be used. Marley concrete tiles are also not acceptable – a traditional clay tile (e.g. SAHTAS or KEYMER) needs to be specified.</p> <p>With regards to materials, the Applicant is reminded that flint blocks are not acceptable. Flint blocks are basically destroying flint-building skills, and the Chilterns AONB technical note on flint rejects them as acceptable (p.22). See also https://vlex.co.uk/vid/dorset-flint-stone-blocks-793925997. We will have to go back to a basic re-design of the elevations if freehand flintwork is not possible. I can confirm that the Marley Ashdowne clay tiles, (as indicated on the amended plans) are acceptable. The choice of brick will be important to achieve the right visual quality for what is still a large residential unit.'</p> <p><u>Second Comments:</u></p>

	<p>The twin gables work better to break up the massing, so would support that change.</p> <p>The flint banding with render doesn't work – please refer to the AONB technical note on flint. As it's only being applied to the front elevation, then I think this should be a mix of flint and exposed brick only. Please confirm also regarding the choice and colour of tiles to be used.</p>
	<p><u>Original Comments:</u></p> <p>The D & A is confusing: on p.6 refers to 'this application for the conversion and extension from a single existing dwelling into two dwellings is a self-build scheme</p> <p>p.7 The site where the proposed dwellings would be situated is approximately 1150m2</p> <p>p.7 The access to the proposed dwellings....</p> <p>The Archaeological Survey should be re-titled as Heritage Statement.</p> <p>The design is disappointing compared to the scheme approved through the previous appeal. The original design had some architectural vibrancy, with a bold split roof and interesting use of materials – compensating to some extent for the less than substantial harm created by inserting a dwelling on this sensitive site to the rear of the listed building. The plan narrowed in width to the west elevation, where it was in closer proximity to the neighbours, the roof also being lower and therefore avoiding overlooking. The appeal statement stressed the dwelling would provide a home for an elderly relative with mobility issues. ('A lot of the accommodation will be set on the ground floor and so will be wheelchair friendly')</p> <p>None of the principal materials suggested for this new design – dreadnought red/blue/tiles, sand and cement render, light grey weatherboarding, Upvc windows – are sympathetic to traditional materials as recommended in eg the Chiltern Design Guide. The deep plan form leads to a clumsy half-hipped roof-form. The side elevations have no architectural quality, particularly the east elevation which overlooks the truncated garden of the Grange, and terminates in a projecting wall that screens a roof terrace. The fenestration has no consistency – 'French windows' with 4 paned sidelights, tall dormers with 4-paned windows, small 2-light windows, single 4-paned windows, a 4-light window over a bow window in the projecting gable end, a 2-tier window. The proposed house does not deliver a wheelchair friendly home.</p> <p>I would not therefore support this application without considerable</p>

	revisions to the design.
--	--------------------------

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
11	5	0	5	0

Neighbour Responses

Address	Comments
The Lodge Grange Close Markyate St Albans Hertfordshire AL3 8PU	The current approved plans include the garages with Flat Roofs, adjacent to our property. We are concerned that the proposed Planning Application incorporates Pitched Roofs on the garages which we feel will negatively impact our property in respect of light and outlook therefore on this basis we would object to this proposal.
The Chalet Grange Close Markyate St Albans Hertfordshire AL3 8PU	<p>This is an amended version of a previous planning application (4/00095/18/FUL) which was initially refused then later permitted, based on specific conditions after appeal. (a copy of the conditions set out in the appeal decision can be found below)</p> <p>We object to this new planning application for the following reasons:</p> <ul style="list-style-type: none"> - When the original scheme was granted (after appeal) there was an understanding restoration works would be carried out to the Grange (a grade II listed building located on the same plot) This new application makes no reference to any such work. Because the applicant is not the owner of the grange, we assume that this restoration work will not be carried out and the original precedent set by the refusal to grant permission logically must apply. - This application gives no detail regarding which trees are identified for removal as part of the scheme. The ecology survey contains a great deal of information which is generic & generalised but does not give enough specific information required in a conservation area. Under this proposal it seems no protection to any of the trees is afforded. (see point 3, 7 & 14 from the appeal decision below) - The proposed property now directly overlooks two existing windows of the chalet , grange close causing loss of privacy. - This development now falls wholly within the local conservation area in the shadow of a grade II listed property. The land here should be afforded full protection assumed by conservation area status. This argument formed part of the council's original decision to refuse

	<p>permission.</p> <p>Copy of relevant conditions from previous appeal decision notice:</p> <p>Schedule of Conditions</p> <ol style="list-style-type: none"> 1) The development hereby permitted shall begin not later than three years from the date of this decision. 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan drawing no.2217 L1; Proposed Site Layout drawing no.2217 L3C; Proposed Floor Plan drawing no.2217 P1K; Proposed Elevations drawing no.2217 P2M; Site Section drawing no.2217 P3G; Tree Survey & Protection Plan drawing no.TPP TG 01. 3) The trees shown for retention on the approved Tree Protection Plan (prepared by C.A.T Landscape Consultancy drawing number TPP TG 01) shall be protected during the whole period of site clearance, excavation and construction by the erection and retention of protective fencing positioned beneath the outermost part of the branch canopy of the trees. In areas where tree protection fencing does not sufficiently cover Root Protection Areas, the use of 'No-Dig' construction methods shall be incorporated to minimise the impact to trees proposed for retention. 4) The development hereby permitted shall not commence until metrically scaled details of the retaining walls and finished levels of the site and building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. 5) Prior to their installation details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. 6) The dwelling shall not be occupied until hard and soft landscape works have been implemented in accordance with details to be submitted to and approved in writing by the local planning authority. These details shall include: - hard surfacing materials; - location, height and materials of boundary treatments; - soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and - details and plans showing the position of bird nesting boxes and bat boxes. 7) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five 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 species, size and maturity to be approved by the local planning authority.
--	---

	<p>Further comment from the inspectors notes:</p> <p>14. The proposal would be in the vicinity of trees that contribute positively towards the character and appearance of the area, and as such it is necessary to ensure that damage does not occur to the trees during building operations.</p>
5 Cavendish Road Markyate St Albans Hertfordshire AL3 8PT	<p>This is a change to the dwelling that was proposed in the original planning application, which was a chalet, which I objected to for exactly the same reasons. This is a two storey four bedroom house which will have a significant negative impact on the conservation area it is proposed to be in. On the application it says the location is partially within the conservation site which I believe is inaccurate as most, if not all is within the conservation area. Many trees will have to be cut down to allow this property to be built which will again have a negative impact on the local ecology. As a result of these trees being cut down, I will lose privacy in my garden as I will now have three second storey windows looking across into my garden.</p> <p>There is not enough information given on this application of the conditions of the work that had to be completed on the Grange from the original application. This proposed development will significantly be higher than the Grange, from which it is taking the land. Considering the Grange is Grade II listed, situated within the conservation area, it is a shame to take land away from a building that has historical interest as stated in the application. I don't believe building a two storey house is in any way going to enhance the character or appearance of the conservation area, also as stated in the application. In the application it says a reasonably sized garden would be left, however the proposed site would take over the flat land at the back leaving the Grange with a less user friendly sloping garden. Surely a Grade II Listed building is more than just an appearance on the High Street and is about conserving it and the land that it sits in, particularly as this is within a conservation area.</p> <p>I believe the references to the National Planning Policy Framework in the application are misleading. Within this document, there are many justifications to not allow this proposed development. The section on 'considering potential impacts' refers to impacts on Grade II listed buildings and local authorities should refuse consent when there is substantial harm, which clearly is going to happen to the gardens. There are no exceptional reasons why this development should go ahead.</p> <p>The amended proposals in this planning application would appear to not address the main issues with it and seem to be more focused on attempting to appease the Conservation Departments' comments from the previous application with minor alterations.</p> <p>The design opposes the original planning application which was a chalet. The purpose of this was that it was a wheelchair friendly application, which this is not. This remains a two storey four bedroom house which will have significant negative impact on the conservation area it is still proposed to be in. On the original application, which remains inaccurate if changes are only to materials used in some</p>

	<p>areas, a change of roof design, is still completely in the conservation area and not partially as it was stated. The materials used, although altered in response to the comments by DBC, they are still not sympathetic to The Grange.</p> <p>Many trees will still have to be cut down which will have a negative impact on the local ecology. As a result of trees being cut down, I will lose privacy in my garden and will continue to have three second storey windows looking directly into my garden. The amended drawings still mean that the proposed development will significantly be higher than the Grange, from which it is taking the land. The Grange, being a Grade II listed building, will still be losing substantial land and the land which is being left to the Grange is less user friendly sloping land. The References to the National Planning Policy Framework in the original application are misleading. The section on 'considering potential impacts' refers to impacts on Grade II listed buildings and local authorities should refuse consent when there is substantial harm, which clearly is going to happen to the gardens. There are no exceptional reasons why this development should go ahead.</p>
Markyate Village Hall Cavendish Road Markyate St Albans Hertfordshire AL3 8PS	<p>Objection. Object, due to over-development of site.</p> <p>The Council remains of the opinion that this is an over-development of a sensitive site and agrees with the concern expressed by Conservation and Design in December 2021 about the departure from the original intention to create a wheelchair friendly environment. The Council notes the changes to the design in the June application and will be guided by Officers as to whether these are sufficient to address previous concerns in this respect, but even if it does, that won't overcome the Parish Councils underlying concern regarding the development of this site.</p>
The Chalet Grange Close Markyate St Albans Hertfordshire AL3 8PU	<p>This is now the third iteration of the plans for this development and reviewing the new plans submitted in June, everything we objected for when this planning was first submitted still stands. I copy below that objection for reference:</p> <p>This is an amended version of a previous planning application (4/00095/18/FUL) which was initially refused then later permitted, based on specific conditions after appeal. (a copy of the conditions set out in the appeal decision can be found below)</p> <p>We object to this new planning application for the following reasons:</p> <ul style="list-style-type: none"> - When the original scheme was granted (after appeal) there was an understanding restoration works would be carried out to the Grange (a grade II listed building located on the same plot) This new application makes no reference to any such work. Because the applicant is not the owner of the grange, we assume that this restoration work will not be carried out and the original precedent set by the refusal to grant permission logically must apply. - This application gives no detail regarding which trees are identified for

	<p>removal as part of the scheme. The ecology survey contains a great deal of information which is generic & generalised but does not give enough specific information required in a conservation area. Under this proposal it seems no protection to any of the trees is afforded. (see point 3, 7 & 14 from the appeal decision below)</p> <ul style="list-style-type: none"> - The proposed property now directly overlooks two existing windows of the chalet , grange close causing loss of privacy. - This development now falls wholly within the local conservation area in the shadow of a grade II listed property. The land here should be afforded full protection assumed by conservation area status. This argument formed part of the council's original decision to refuse permission. <p>Copy of relevant conditions from previous appeal decision notice:</p> <p>Schedule of Conditions</p> <ol style="list-style-type: none"> 1) The development hereby permitted shall begin not later than three years from the date of this decision. 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan drawing no.2217 L1; Proposed Site Layout drawing no.2217 L3C; Proposed Floor Plan drawing no.2217 P1K; Proposed Elevations drawing no.2217 P2M; Site Section drawing no.2217 P3G; Tree Survey & Protection Plan drawing no.TPP TG 01. 3) The trees shown for retention on the approved Tree Protection Plan (prepared by C.A.T Landscape Consultancy drawing number TPP TG 01) shall be protected during the whole period of site clearance, excavation and construction by the erection and retention of protective fencing positioned beneath the outermost part of the branch canopy of the trees. In areas where tree protection fencing does not sufficiently cover Root Protection Areas, the use of 'No-Dig' construction methods shall be incorporated to minimise the impact to trees proposed for retention. 4) The development hereby permitted shall not commence until metrically scaled details of the retaining walls and finished levels of the site and building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. 5) Prior to their installation details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. 6) The dwelling shall not be occupied until hard and soft landscape works have been implemented in accordance with details to be submitted to and approved in writing by the local planning authority. These details shall include: - hard surfacing materials; - location, height
--	--

	<p>and materials of boundary treatments; - soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and - details and plans showing the position of bird nesting boxes and bat boxes.</p> <p>7) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five 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 species, size and maturity to be approved by the local planning authority.</p> <p>Further comment from the inspectors notes:</p> <p>14. The proposal would be in the vicinity of trees that contribute positively towards the character and appearance of the area, and as such it is necessary to ensure that damage does not occur to the trees during building operations.</p>
--	---