

ITEM NUMBER: 5b

21/03244/FUL	Conversion and construction of 6 dwellinghouses on brownfield site.	
Site Address:	50 High Street Markyate St Albans Hertfordshire AL3 8HZ	
Applicant/Agent:	Herbert (QH (London Colney LTD)	Kit Miller, Urbana Town Planning
Case Officer:	Nigel Gibbs	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Contrary view of Markyate Parish Council	

1. RECOMMENDATION

That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the outcome of the Applicant carrying out of additional ecological surveys and an appropriate assessment in accordance with article 6(3) of the Habitats Directive, securing a mitigation if necessary to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation, the completion of an additional bat survey(s), with further delegated authority to add any bat / ecological mitigation conditions as necessary arising from the ecological surveys.

2. SUMMARY

2.1 In principle the development is acceptable with reference to Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013), with no overriding objection to the loss of a long established employment use. Subject to the carrying out of additional ecological surveys and that these do not identify overriding problems, on fine balance and taking a pragmatic approach, there is a case for the LPA to support this application.

2.2 The scheme has been subject to revisions since the application's receipt and following two withdrawn applications. In terms of the Revised Scheme, there are reservations expressed by the Design & Conservation Team regarding the design of Units 1 to 3, but this is based upon on less than substantial harm to Markyate Conservation Area. Whilst not fully in accordance with Policies CS12 and CS27, with reference to the Framework's Part 16, it is concluded that, on fine balance, the public benefits of providing new housing in the proposed compact form- a quality alternative when compared to the existing array of buildings by providing a modern residential enclave- outweighs the less than substantial harm confirmed by the Design & Conservation Team. Therefore, on very fine balance the heritage harm arising would, in this instance, not outweigh the public benefits of the proposed development.

2.3 The context is that in developing brownfield land within built up areas such as the application site, it is rarely possible for every design expectation to be met. In this respect overall, it is considered that the development would appear compact and create a small high quality residential enclave of much needed small dwellings which is in accordance with the national space standards in an historically compact area. It is recognised that the 8.4m depth gardens of Units 1, 2 and 3 are below the 'standard' 11.5m depth, however they are still of a usable size with a south facing aspect. Units 4, 5, and 6 would also benefit from usable small amenity areas. There is also some scope for planting.

2.4 With reference to the adopted Parking Standards there would be adequate parking served by the existing very wide roadway linked to the High Street, with no highway objections from HCC Highways to the use of the long established site access. This takes into account that for vehicles exiting there is very minimal visibility to the access' right hand side which cannot be improved. Fire tenders can access the site in forward gear, with the proposal involving the provision of a sprinkler

system for Units 1 to 3, taking account that there is an inadequate turning area for tenders. There are no objections to the approach regarding the collection and storage of refuse.

2.5 There are objections raised by local residents to the scheme based upon the impact upon the residential amenity of adjoining/ nearby dwellings. Although not ideal, subject to the imposition of conditions it is not considered that there would be a case to refuse the application based upon the overbearing / physical impact, the loss of light, privacy, noise, disturbance and headlamp glare. The proposal has the potential to have less environmental impact as compared to the existing employment use, with reference to the expectations of Policies CS12 and CS32 of the Dacorum Core Strategy. It is fully acknowledged that when in use an outbuilding / residential annexe at no. 9 Albert Street would overlook the proposed rear gardens of Units 1, 2 and 3. However, if the application was refused for this reason it would result in the whole of the rear of the site being undevelopable for residential purposes.

2.5 There are several elements which are not environmentally ideal. However, subject to the outcome of additional ecological surveys, these are not considered to individually or collectively represent overriding environmental reasons to refuse the application, representing a sustainable development by providing new housing in accordance with the National Planning Policy Framework's social objectives

2.6 There will be the requirement for a planning obligation as referred to by the recommendation.

3. SITE DESCRIPTION

3.1 The application site is a longstanding elongated commercial yard located on the south western side of Markyate High Street within the Conservation Area. It has been observed that commercial uses continue within the yard.

3.2 It features a range of buildings served by a wide access road between nos 50 and 52 High Street. As explained, the access has minimal visibility to the right hand side for vehicles exiting, but clear visibility to the left. The rear gardens of the terraced housing in the adjoining Albert Street abut the site's north western boundary which is defined by wall, in addition to the curtilage of no. 48 High Street. The rear curtilages of terraced dwellings at nos. 52 to 58 (even) in the High Street abut the eastern and south eastern site boundaries, especially the elongated garden at no. 58. The Telephone Exchange adjoins the site's south western boundary. Planning Permissions have been granted for detached and semi-detached dwellinghouses within the rear of the nearby no. 64 High Street.

4. PROPOSAL

4.1 This application (Revised Scheme) involves the provision of 6 dwellings through the yard's redevelopment. It comprises of a fully hipped roof terrace of 3 two bedroom hipped roof two storey dwellinghouses (Units 1, 2 and 3) at the site's south western end, the one bedroom conversion and extension of a single storey commercial building (Unit 6) in the site's northern corner, and the conversion/extension of the two storey south eastern building adjoining the rear of nos 50 to 58 (even) to form 2 one bedroom dwellings (Units 4 and 5).

4.2 Units 1, 2 and 3 would be served by south western rear gardens, with small sheds and allocated parking involving 6 spaces. The slightly sunken terrace's centralised archway includes 2 tandem parking spaces. Units 4 and 5 would share an amenity area and be served by 2 allocated parking spaces, adjoining the development's communal cycle stand/ store. The single aspect Unit 6 would be served by a small usable south east facing garden and one parking space.

4.3 Background. Following the application's receipt, the Original Scheme (OS) involving a gable roof design for 3 bedroom at Units 1, 2 and 3 was amended to the Revised Scheme. The RS (RS 1) was subject to additional changes (RS 2) following a visit to 58 High Street, with the meeting attended by Councillor Jane Timmis and the occupier. The OS and RS1 were subject to full re-consultations and neighbour notification. RS 2 was limited to re-consultation with Markyate Parish Council and no. 58. **The OS would have been recommended for refusal because of the adverse design and parking implications.**

4.4 For clarification, it is understood that the Agent has made very extensive contact over a very long period with the Parish Council to explain how it has addressed the site's development, following the two previously withdrawn applications. The Council's Design & Conservation Officer and case officer were eventually able to view the site at meeting with the Agents/ Applicant following the relaxation of COVID restrictions, before the case officer's subsequent visits to neighbouring dwellings. In order to comprehensively assess the site's redevelopment, site visits have been essential.

4.5 Set against Paras 4.3 and 4.4, the submitted scheme is the culmination of the Agent's approach in attempting achieve a positive outcome following extensive dialogue.

5. PLANNING HISTORY

Planning Applications (If Any):

21/00456/FUL - Conversion and construction of 6 dwellinghouses on brownfield site.
WDN - 31st March 2021

21/01964/FUL - Conversion and construction of 6 dwellinghouses on brownfield site (amended scheme).
WDN - 7th July 2021

4/02271/00/FUL - Widening of footway crossover
GRA - 13th February 2001

Appeals (If Any):

6. CONSTRAINTS

Area of Archaeological Significance: 2
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)

National Planning Policy Guidance

National Design Guide

Dacorum Core Strategy 2006-2031 (adopted September 2013)

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

Site Allocations Development Plan Document 2017 (May 2017)

Dacorum Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8- Sustainable Transport

CS9- Management of Roads

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS13 - Quality of the Public Realm

CS17 - New Housing

CS18 - Mix of Housing

CS19 - Affordable Housing

CS26- Green Infrastructure

CS27- Quality of the Historic Environment

CS29 - Sustainable Design and Construction

CS31 - Water Management

CS32 - Air, Soil and Water Quality

CS35 -Infrastructure and Developer Contributions

Markyate Place Strategy

Dacorum Local Plan

Policy 10 - Optimising the Use of Urban Land

Policy 12 - Infrastructure Provision and Phasing

Policy 13 - Planning Conditions and Planning Obligations

Policy 18 - The Size of New Dwellings

Policy 21 - Density of Residential Development

Policy 34 - Other Land with Established Employment Generating Uses

Policy 51 - Development and Transport Impacts

Policy 54- Highway Design

Policy 58 - Private Parking Provision

Policy 62- Cyclists

Policy 111 - Height of Buildings

Policy 113- Exterior Lighting
Policy 118 - Important Archaeological Remains
Policy 119- Development Affecting Listed Buildings
Policy 120-Development in Conservation Areas

Appendix 3– Layout and Design
Appendix 8- Exterior Lighting

Site Allocations Development Plan Document 2017

Other

Parking Standards Supplementary Planning Document (Nov 2020)

Environmental Guidelines Supplementary Planning Document

Refuse Storage Advice Note (2015)

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

Affordable Housing Clarification Note

Supplementary Planning Document Energy Efficiency and Conservation

Supplementary Planning Document Sustainable Development Advice Note Water Conservation

Supplementary Planning Document Planning requirements for waste water Advice Note

Hertfordshire County Council Local Transport Plan 4

CONSIDERATIONS

9.1 The main issues are:

-Policy and principle- New Housing, Alternative Use of Established Employment Land Use with Housing.

-Design/ Layout /Impact upon the Conservation Area's Character / the Setting of Adjoining / Nearby Listed Buildings.

-Ecological Issues.

-Impact upon the Residential Amenity of the Locality.

-Highway Implications.

Principle of Development

The Local and National Approach to New Housing

9.2The importance of providing new homes is a central theme of the Core Strategy. This is comprehensively explained by its Chapter 14 and reinforced by The Site Allocations Development Plan Document.

9.3 The Core Strategy predates the National Planning Policy Framework (the Framework) wherein new housing is pivotal to delivering sustainable development. This is expressed through its Part 5 –‘Delivering a sufficient supply of homes’, with an emphasis upon maintaining the 5 year supply.

9.4 This is set against the Core Strategy’s Settlement Hierarchy (Table 1). Policy CS 1 expects that the Borough’s large villages such as Markyate will accommodate new development for housing, employment and other uses, provided that it:

- a) is of a scale commensurate with the size of the settlement and the range of local services and facilities;
- b) helps maintain the vitality and viability of the settlement and the surrounding countryside;
- c) causes no damage to the existing character of the settlement or its adjoining countryside; and
- d) is compatible with policies protecting the Green Belt and Rural Area.

9.5 Policy CS4 confirms that the Borough’s Large Villages development will be guided to the appropriate areas within settlements. In residential areas appropriate residential development is encouraged.

9.6 Policy CS17 supports new residential development to meet the district housing Allocation, with saved Policy 10 of the Dacorum Borough Local Plan (DBLP) expecting the optimisation of urban land. This approach is set against the Framework’s emphasis upon delivering sustainable development – with the social objective of providing a sufficient number and range of new homes, as expressed through Part 5 -Delivering a sufficient supply of homes.

9.7 Policy CS18 addresses the requirement to support a choice of homes through the provision of a range of housing types, sizes and tenure under criteria (a) housing for those with special needs through criteria (b) and affordable housing at criteria (c). This echoes the Framework’s s Paragraph 62 which addresses the needs for different groups. These include, but are not limited to those who require affordable housing, families children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their homes.

9.8 Policy CS19 specifically addresses the important role of affordable housing which needs to be considered in conjunction with the Framework’s Paragraph 64 and associated PPG.

9.9 It has been concluded that no affordable housing is required at the site.

9.10 In terms of layout, Policies CS10, CS11 and CS12, the Framework’s emphasis through its Parts 12 and 8 upon the importance of high quality design/ promoting healthy and safe communities, and the National Design Guide, are complemented by saved DBLP Appendix 3 establishing the parameters for new development.

9.11 These housing based policies are set against the Framework’s approach to ‘making effective use of land’ under its Part 11. This is with specific regard to achieving appropriate densities under paragraphs 124 and 125. Paragraph 125 explains that where there is a shortage of land for meeting housing needs it is expected that developments make optimal use of each site. This provides a context for saved DBLP Policy 21 regarding Density of Residential Development.

9.12 Also in considering the application, the Council does not have a demonstrable 5-year supply of deliverable housing sites. Under the Framework’s Paragraph 11, through the ‘tilted balance’ planning permission should therefore be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the Framework that protect areas or assets of particular importance provide clear reasons for refusal.

The Loss of the Employment Land

9.13 With regard to employment, Policy CS14 confirms that sufficient land will be allocated to accommodate growth in the economy, with an expectation that employment levels outside the main employment areas will be maintained to ensure a spread of job opportunities. The Framework also supports the rural economy (Para 84) through its Part 6 – ‘Building a strong, competitive economy’, reflecting the Framework’s economic objective.

9.14 Saved Dacorum Borough Local Plan Policy 34-Other Land with Established Employment Generating Uses confirms:

‘Established employment generating uses not included within the minimum supply of employment land (Policy 29) or identified for conversion to housing (Policy 33), and which cause environmental problems in terms of noise, smell, pollution, safety or traffic generation, will be encouraged to relocate. Where appropriate, firms will be offered help in their search for new sites. The conversion of premises vacated by firms to an alternative employment generating use will be accepted, provided the new use will not cause any environmental problems.

Where an established employment generating use does not cause environmental problems, new small-scale employment development and redevelopment will be permitted on the following basis: (a) In the towns, large villages, selected small villages and the Rural Area: (i) there must be no undesirable impact on adjoining property and on the surrounding area; and Dacorum Borough Local Plan 1991-2011 adopted 21 April 2004 137 (ii) the site must not be extended, unless significant planning advantages, such as the rationalisation of the site layout and adjoining land uses or refurbishment of listed buildings, would result. (b) In the Green Belt there must be very special circumstances: normally new development/redevelopment will be refused permission’.

9.15 It is concluded that there is no fundamental policy objection to the replacement of the employment use with housing, with no received objections from the Strategic Planning Team.

Design/ Layout Impact upon the Conservation Area’s Character / the Setting of Adjoining- / Nearby Listed Buildings

General

9.16 S72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

9.17 Policy CS27 seeks to protect, and where appropriate, enhance the integrity of the setting and distinctiveness of heritage assets and this reflects the statutory duties defined in the Act. This reinforces the expectations of saved Policies 119 and 120 of the Dacorum Borough Local Plan.

9.18 The Framework’s Para 199 confirms that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).

9.19 Para 200 confirms that any harm to or loss of, should be with reference to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) and should require clear and convincing justification.

9.20 As explained by Para 201 where a development will lead to substantial harm of a designated heritage asset LPAs should refuse consent. This is unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

9.21 Para 202 addresses cases where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal, including, where appropriate, securing its optimum viable use.

The Proposal

9.22 The Conservation & Design Team's representative has confirmed that the proposed approach has inbuilt design problems, advising that despite the many changes and improvements made to the scheme, in its current form the development does not fully preserve or enhance the character or appearance of the Markyate Conservation Area - a designated heritage asset, contrary to policy CS27 and the Framework's Part 16. The assessment has reference to the Framework's Paragraphs 194, 195, 197, 199, 200, 201 and 202. In summary, there are no Conservation based objections to the conversion/ modification of the existing buildings to provide Units 4, 5 and 6 and to the setting of adjoining/ nearby listed buildings (48, 48A, 48B, 48C, 58, 60, 81 High Street, 1, 9 and 13 Albert Street). There is ongoing concern regarding the terrace at Units 1, 2 and 3:

'A short 'terrace' of 3 dwellings is proposed within the rear part of the site, with plot 1 being the most visible from the High Street. Following a considerable amount of negotiation the design and detailing has been improved and the height reduced. The setting of the grade II listed rear wing of 9 Albert Street will be preserved.

However, the overall footprint and massing of units 1 to 3 at ground and first floor level has not changed since the initial application submission - the three dwellings have an uncharacteristically deep planform, particularly noticeable at first floor level, with a wide flank elevation and low (25 degree) pitched hipped roof over. Whilst the low pitch of the hipped roof does help to keep the massing down, the roof pitch is lower than the more traditional roof pitches seen surrounding the site. The new dwellings have a modern layout, in contrast to the built form of surrounding historic buildings and this, coupled with the low pitch roof does raise the question of how well the development will integrate with the Conservation Area. Setting the terrace down within a dip to reduce its height is not considered an ideal way to further reduce its apparent massing'.

The Conservation Officer has clarified that the harm identified is considered to be 'less than substantial', with reference to the Framework's Paragraph 202, i.e. that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. On this basis the Conservation & Design Team recommend that 'Dacorum Borough Council, as decision maker weighs the less than substantial harm identified against any public benefits the scheme may possess'.

9.23 In this respect the Original Scheme has been changed; the Revised Scheme represents a design improvement on a very poorly maintained site. This harm needs to be considered in the wider context of the Conservation Area. With no Strategic Planning Team policy objection to the loss of the Yard/ employment use, in overall terms the Revised Scheme would reinvigorate the application site, through both the new alternative use and in terms of its overall appearance which is considered to be compatible with the locality, with the site adjoining the starkly designed Telephone Exchange. There would be significant public benefits in providing much needed small scale new housing in a sustainable location within the centre of Markyate. The public benefit would also involve addressing site contamination, with the adjoining dwellings environment improving because of the loss of the longstanding employment use.

9.24 Whilst not fully in accordance with Policies CS12 and CS27, with reference to the Framework's Part 16, it is concluded that, on very fine balance, the public benefits of providing new housing in the proposed compact form- a quality alternative when compared to the existing array of buildings by providing a modern residential enclave- outweighs the less than substantial harm confirmed by the Design & Conservation Team. Therefore, on very fine balance the heritage harm arising would, in this instance, not outweigh the public benefits of the proposed development.

Layout

9.25 In terms of layout the scheme balances the conversion and adaption of the existing retained buildings for Units 4, 5 and 6 with the provision of the new southern terrace. The dwellings are in accordance with the National Space Standards. All the dwellings are served by useable amenity space, albeit that Units 1, 2 and 3's south facing gardens are quite short and the amenity space for Units 4 and 5 is limited. The combination of adequately sized dwellings, the protection of the proposed garden sizes by the recommended withdrawal of permitted development rights (Classes A for and E for extensions and outbuildings respectively) and the provision of external garden storage sheds from the outset, should ensure that there is a robust approach to the long term maintenance of the rear gardens for Units 1, 2 and 3 in their proposed form, avoiding their future reduction in size by effects of extensions and outbuildings. With regard to the 'standard' 11.5 m rear gardens this is historically derived from ensuring that dwellings facing each other have a minimum of 23m for privacy reasons. In this case the first floor windows of Units 1, 2 and 3 face onto the Telephone Exchange site.

9.26 There is adequate parking, refuse storage and collection facilities, the opportunity for soft landscaping (hedge planting and the requirement by condition for tree planting in accordance with CS29), with inbuilt cul-de-sac natural surveillance.

9.27 It is fully acknowledged that when in use an outbuilding / residential annexe at no. 9 Albert Street would overlook the proposed rear gardens of Units 1, 2 and 3. However, any future occupiers of these dwellings will be aware of this situation before they move to the dwellings/ outset. If the application is refused for this reason it would result in the whole of the rear of the site being un-developable for residential purposes.

Ecological Implications

9.28 The submitted Initial Ecological Report/Survey indicated there were no fundamental ecological fundamental issues, with the findings valid for one year, after which updated surveys would be required for the Bat Survey. There were further Stage 2 surveys carried out.

9.29 Hertfordshire Ecology has noted that no evidence of protected species was found other than the potential for the buildings to be used by nesting birds and bats. However, HE has noted that feeding remains provided signs that the largest, B1, is a brick-built building has been used as a feeding roost by bats. HE has advised that due to this and the available access through the louvre windows, air bricks and gaps in the eaves, B1 was assessed as having a high potential as a bat roost, noting that subsequently, activity surveys were undertaken on the 23/06/2021, 07/07/2021 & 21/07/2021 and that no evidence of behaviour suggesting the presence of a roost was observed.

9.30 Hertfordshire Ecology has concluded that whilst there is no reason to doubt these conclusions, given the evidence for the past use of B1, the continued potential in terms of access points and the duration of time since these surveys were undertaken and that the report is now out of date, it is advised that an update survey is carried out. This should be prior to determination and sufficient to inform of any changes to the potential or presence of any bats within building B1. On the basis that the effects are expected to be limited to just one building, the LPA can derive some comfort from the previous surveys, but it is nevertheless necessary for additional survey work to be carried out.

Impact upon the Residential Amenity of the Locality

9.31 The existing use has coexisted for many years with the surrounding housing. There are no apparent planning controls through previous planning decisions limiting the Yard's use in terms of hours of operation and types of use. The benefits of the residential redevelopment would eliminate

the possibility of harm resulting from the closeness of the existing employment uses.

9.32 With reference to the expectations of Policies CS12 and CS32, the site observations/ relationship of the proposal to existing housing, the representations from the local community, and the opportunity to impose conditions, although not ideal it is **not** considered that there would be a case to refuse the application based upon the impact to the residential amenity of the adjoining existing dwellings. This is with reference to privacy, the physical impact (whether overbearing/ visually intrusive), the receipt of sun and daylight, noise and disturbance and headlamp glare.

- (a) *The dwellings opposite the site access (nos. 83, 85 and 87 High Street) and the rear of no.50.* Nos. 83, 85 and 87 would experience some headlamp glare, noise and disturbance. No.50 would be subject to some noise and disturbance from vehicular movements. These effects have to be in context of a busy High Street location, and the impact of the existing yard for many years.
- (b) *No.58 High Street.* No.58's curtilage involves a significant physical connection with the application site. The main garden adjoins an existing large two storey building with some openings. The elongated part of the garden adjoins other parts of the Yard which is close to a new dwelling at No.64. Despite the closeness of the proposals, the demolition of part of the deteriorating existing building connected to the main building to form Units 4 and 5, should benefit no.58. This positive effect is also with due regard to the infilling of the existing openings to serve the building to provide Units 4 and 5 through recommended Condition 12. Moreover, and the future control of new openings to Units 4 and 5 through recommended Condition 10 aims to permanently protect the privacy and amenity of no.58 and its main garden area. When compared to the existing closeness of the Yard, the positive effect of these conditions would be reinforced by the provision of new boundary walls and complementary fencing along no.58's elongated rear garden in terms of protecting privacy, reducing noise and disturbance from Units 4/ 5 garden and noise and disturbance and headlamp glare from the adjoining proposed communal parking area. Given its location and the overall layout/ arrangement of no.58's garden, it is not considered that there would be a case to refuse the application based upon the effect of the massing and location of the south eastern flank wall of proposed Unit 3 and the dwelling's position, also taking into account the overall layout / arrangement of no.58's garden and the recommended conditions relating to Unit 3 in protecting no.58's privacy. This has been with due regard to the closeness of the dwelling at no.64.
- (c) *Nos. 52, 54, 56 High Street.* It is not considered there would be any harm. This takes into account the benefits arising from the demolition of the two storey south eastern part of the existing building in its re-design to form Units 4 and 5 and there being no proposed north eastern flank wall windows to serve Units 4 and 5 and the aforementioned role of Condition 10 to restrict new openings.
- (d) *The curtilage of no. 48 High Street and the rear of no. 1 Albert Street adjoining Proposed Unit 6.* Based upon site observations the extension of Unit 1 would have some impact upon no. 48 in terms of the physical impact and the receipt of light. The north-west facing 4.9m wide single storey slate gable extension with a 4m ridge level would further enclose the current more open aspect of the part of the south west facing garden serving no. 48. It is not considered that there would be a case to refuse the application based upon the extension's physical impact - it would not be too overbearing, visually intrusive or oppressive, whilst recognising that the rear wall would cause some loss of sunlight to the garden, with less impact upon the elongated rear garden of no. 1 Albert Street. Recommended Condition 10 would ensure the necessary control over changes to the extended Unit 6 to prevent the loss of privacy/ noise and disturbance resulting from new openings.

(e) *Nos.3, 5 and 9 Albert Street.* The terrace is south-east facing. In conjunction with no.1, nos.3, and 5 are served by parallel rear gardens of about 15.8 m depth. No.9 has no rear garden. No.9's facing high wall forms a common boundary (about 15.8m length) with no. 5 Albert Street. This wall causes the loss of sunlight to no.5. The common boundary of the dwellings with the application site yard is also defined by a high wall. With the exception of no.9 the rear elevations of nos.1, 3 and 5 are well separated from the application site yard because of the length of the respective rear gardens. The north-western flank wall of Unit 1 of the south western terrace of proposed dwellings will be slightly inset from the Yard's common boundary wall and would be clearly visible from no. 5. The Revised Scheme's full hipped roof significantly reduces the massing of Unit 1 as compared with the earlier proposed gable end, and consequently the physical impact of the development in terms of visual intrusion and the effect upon the receipt of sunlight to the bottom of no. 5's rear garden, would be limited. It is not considered that there would be a case to refuse the application based upon the physical impact of the south-western terrace in terms of visual intrusion (i.e. it would not be overtly overbearing or oppressive). It is fully acknowledged that no.5 is subject to the impact of no. 9's flank wall, however this is longstanding. It is also not considered that the location of the terrace would adversely affect no.9, but recognising that the location of the terrace is not ideal as the rear of no.9 would directly overlook the gardens of Units 1, 2 and 3. The landing window of the Unit 1 must at all times be of an obscure glass and should be either of a fixed type or limited to a top hung opening only in the interests of the residential amenity/privacy.

Highway Implications: Access/ Parking/ Sustainable Location

General

9.33 There is no objection from HCC Highways.

Access/ Sight Lines

9.34 As confirmed, the roadway to the site is wide, enabling cars entering and exiting the site at the same time. The sight line to the right is non-existent, but that to the left is far better- with HCC Highways raising no concerns.

9.35 Fire tenders can access the site in forward gear, but with due regard to the lack of an adequate turning area and the distance from the High Street, Units 1, 2 and 3 would be served by sprinklers. Units 4, 5 and 6 closeness to the High Street would enable excellent access for firefighters.

Refuse

9.36 The location of the communal storage facility collection point close to the site access would enable the efficient collection of refuse.

Disabled Access/ Access for Persons with Limited Mobility

9.37 Other than Unit 5, access would be available.

Parking/ Cycle Storage

9.38.1 It is understood that there are no existing dwellings which have formal allocated parking within the application site. This is notwithstanding the representation that 'No 50a existing dwelling is losing its existing 2 parking spaces, there is no overflow parking already in Markyate so where are they proposed to park'. Therefore, based upon this understanding of no formal allocated parking the displacement of existing parking is not a material consideration. Based upon the following pragmatic application of the adopted Parking Standards, there is adequate parking in this

Accessibility Zone 3 in terms of the numbers of spaces and their location / distribution and opportunity for spaces 1, 4 and 6 to be adapted for parking for persons with disabilities:

Unit	Allocated Spaces	Requirement
Unit 1	2	1.5
Unit 2	2	1.5
Unit 3	2	1.5
Unit 4	1	1.25
Unit 5	1	1.25
Unit 6	1	1.25
Total	9	8.25

9.38.2 For clarification, the Original Scheme involved 3 bedroom dwellings for Units 1, 2 and 3, requiring 2.25 spaces for each house. Through Building Regulations, electric charging points will be available. In addition to the proposed communal cycle storage, Units 1, 2 and 3 can individually provide curtilage storage.

9.38.3 Part 10 of the Adopted Standards advises these 'are required by the Council where developments are proposed that do not meet the standards or in other situations where high parking stress is likely, to be advised by the Council'. Given that it is considered that the proposal is in accordance with the adopted Parking Standards and that it is recently adopted, it not considered that there is a case to expect the provision of a Parking Stress Survey(s).

Sustainable Location

9.39 In relation to Markyate itself the site is in a sustainable location.

Construction Management Plan

9.40 A condition is necessary because of the location of the proposed dwellings in relation to Markyate's High Street, as advised by Hertfordshire County Council Highways.

Other Considerations

Drainage/ Water / Contamination/ Land Stability/ Air Quality

9.41 This is with reference to Policies CS29, CS31 and CS32 and Parts 14 and 15 of the Framework.

9.42 Drainage. There are no fundamental objections from Thames Water. Given the site's location with a Groundwater Protection Zone and the site contamination, it would be inappropriate to install soakaways because of the potential for groundwater pollution. A condition is recommended in accordance with HCC Highways response.

9.43 Water. Affinity Water raises no objections.

9.44 Contamination. The Council's Lead Officer Scientific Team recommends conditions.

9.45 Land Stability. There are no apparent issues.

9.46 Air Quality. There are no apparent issues.

Crime Prevention/ Security

9.47 The layout features a high level of natural surveillance which is often associated with the safer cul-de-sac type development. Hertfordshire Constabulary has not raised any objections. The LPA has also taken into account the representations from 58 High Street.

Archaeological Implications

9.48 Hertfordshire County Council Historic Environment has raised no objections.

Exterior Lighting

9.49 This is with reference to Policies CS27, CS29, and CS32, saved DBLP Policy 113 and Appendix 8 and the Framework's Paragraph 185 (c).

9.50 A condition is recommended to address the residential amenity, safeguarding the environment, crime prevention/ security, the ecological implications and highway safety.

Sustainable Construction

9.51 The development would need to comply with Building Regulations.

Environmental Impact Assessment

9.52 This is not an EIA development.

Air Limits

9.53 The Air Authorities have not been consulted because of the development's height.

Conditions

9.54 A number of conditions recommended with reference to the site conditions, the responses of technical consultees and the standard 6 tests.

9.55 The range of recommended conditions include the withdrawal of permitted development rights for the houses given the need to balance built development with retained garden space, taking into account that the houses are served by storage sheds and the gardens. This in the context of the Framework's Paragraph 54 - 'planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so'.

Unilateral Undertaking/ Planning Obligation

9.56 This would need to address the Chiltern Beechwoods requirements as referred to below.

Local Response to the Application: Residents and Markyate Parish Council

9.57 It is considered that the above report confirms how the LPA has considered a wide range of identified issues, taking into account with various changes to the Original Scheme. These include overdevelopment, the parking implications, impact upon residential amenity and the effect upon the historic environment. With regard to the 'legal boundary with no. 58' the Agent has been made aware of this, with the representation from no. 58 confirming 'the location plan wrongly depicts the relationship of the existing workshop to our property showing our grounds inaccurately'. The change to the boundary – a key element of the scheme in terms of new walls and fencing - will be

dependent upon the Applicant liaising with no. 58 and ensuring compliance with Recommended Condition 16 and that the submitted Certificate A has been correct.

Community Infrastructure Levy

9.58 The proposed development would be subject to Community Infrastructure Levy (CIL) charges in accordance with Policy CS33 of the Core Strategy and the 'Charging Schedule'. The site is located within CIL Zone 3 and therefore a charge of £100 per square metre (plus indexation) would be levied against the proposal.

Chiltern Beechwoods Special Area of Conservation

9.59 Natural England advised to the Local Planning Authority on the 14th March 2022 that the Council is unable to grant permission for planning applications which result in a net gain of dwellings located within the Chiltern Beechwoods Special Area of Conservation (CBSAC) the Zone of influence (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.

9.60 Due to the expectations of the Conservation of Habitats and Species Regulations 2017 and that the proposal involving 6 additional dwellings, there is a possible likelihood that this additional development could adversely affect the integrity of the SAC (Chilterns Beechwoods). Therefore to address this mitigation is necessary to reduce the impact on the SAC and discourage visitors.

9.61 This Council's Mitigation Strategy confirms tariffs towards SAMM and SANG, on a 'per dwelling'. This is based upon a calculation to offset the negative impact of the development on the Integrity of the SAC.

9.62 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.

9.63 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. The Council has currently 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 is £4,251 per new home.

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

10. CONCLUSION

10.1 The principle of residential redevelopment is acceptable, providing an essential opportunity for much needed new housing in a sustainable location with no objection to the loss of the employment land. The development is in accordance with Policies CS1 and CS4. It is not considered that the proposal is an overdevelopment of the site, but in its revised form is a pragmatic approach.

10.2 Through very extensive dialogue the scheme has been improved. To reiterate the Original Scheme would have been recommended for refusal. There are a range of matters confirming that the Revised Scheme 2 scheme is not environmentally ideal; however, in developing many brownfield sites such the application site, it is rarely possible to ensure every design expectation can be met, in reconciling policy expectations with site conditions. There is always a need for a pragmatic approach in such circumstances, with the question whether in this case the scheme's identified inbuilt individual and collective inevitable limitations provide a robust reason to refuse the application. This takes into account the very important role of the recommended conditions.

10.3 Whilst not fully in accordance with the expectations of Policies CS12 and CS27, with reference to the Framework's Part 16, it is concluded that, on very fine balance, the public benefits of providing new housing in the proposed compact form- a quality alternative when compared to the existing array of buildings by providing a modern residential enclave- outweighs the less than substantial harm confirmed by the Design & Conservation Team.

10.4 In recommending the grant of permission this is subject to the need for additional ecological survey work.

11. RECOMMENDATION

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the outcome of the Applicant carrying out of additional ecological surveys and an appropriate assessment in accordance with article 6(3) of the Habitats Directive, securing a mitigation if necessary to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation, the completion of an additional bat survey(s), with further delegated authority to add any bat / ecological mitigation conditions as necessary arising from the ecological surveys.

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. **Notwithstanding any of the materials referred to by the submitted plans and application form, no works shall take place other than the demolition of buildings at the site, until details of the samples of all materials to be used for 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 for inspection. The scheme shall include a programme for the repair of the wall forming the common boundary with dwellings in Albert Street which shall be carried out fully in accordance with the approved details.**

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2021).

3. **Prior to the first occupation of any of the dwellings hereby permitted the roadway shall be upgraded (to accommodate the 19m tonnes loading required for fire tenders), all vehicle parking spaces including 2 spaces within the archway at Units 1, 2 and 3 and the cycle storage shall be provided fully in accordance of the approved plans. Once provided all these shall be retained at all times and the parking spaces and cycle storage shall not be used for any other purposes.**

Reason: In order to ensure that the development is always served by the approved access and parking arrangements, in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004).

4. **The development hereby permitted shall not be occupied until a scheme for the installation of sprinklers ('the sprinkler system') has been submitted to and approved in writing by the local planning authority based upon the principles referred by the approved plans. The sprinkler system shall be fully installed and operational prior to the occupation of any part of the development and thereafter retained at all times and thereafter regularly maintained in perpetuity fully in accordance with the requirements of Hertfordshire Fire & Rescue Service and Building Regulations requirements.**

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).

5. **No works shall take place other than the demolition of buildings at the site until a soft landscaping plan that includes number, size, species and position of trees, plants and shrubs has been submitted to and approved in writing by the Local Planning Authority. This shall include the planting of 6 trees and hedge planting.**

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 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 Policies CS12 (e) and CS29 of the Dacorum Borough Council Core Strategy (2013)

6. **(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:

(ii) 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.

(iii) 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 Policy CS32 of Dacorum Core Strategy (2013).

- 7. Any contamination, other than that reported by virtue of Condition 6 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.

Informative: The 2 contamination conditions are considered to be in accordance with paragraphs 174 (e) & (f), 183, and 184 of the National Planning Policy Framework 2021.

Guidance on how to assess and manage the risks from land contamination can be found here <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

- 8. No dwelling hereby permitted shall be occupied before details of the design of the communal refuse collection area adjoining the site access shown by the approved plans have been submitted to and approved in writing by the local planning authority. Once installed the refuse facility shall be retained at all times, providing a minimum of 6 standard Dacorum Blue or Back Bins.**

Reason: In the interests of residential and visual amenity in accordance with Policies CS12 and CS27 of Dacorum Core Strategy (2013).

- 9. 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 within the residential curtilages of any of the dwellinghouses hereby permitted out without the prior written approval of the Local Planning Authority:

Schedule 2 Classes A and E for the dwellinghouses referred to as Units 1, 2 and 3.

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).

- 10. No additional windows or other openings (other than those shown by the approved plans) shall be installed in the outside walls of any of the dwellinghouses subject to this planning permission.**

Reason: In the interests of the residential amenity of the adjoining housing and the dwellings hereby permitted in accordance with Policies CS12 and CS27 of Dacorum Core Strategy (2013).
- 11. All bathroom windows and flank wall landing windows shall be installed with obscure glass of the highest levels of obscurity at all times in accordance with details submitted to and approved in writing by the local planning authority. The flank wall landing window of Unit 1 shall be fitted at all times with a fixed type with the exception of a top hung part above 1.8 from finished floor level.**

Reason: In the interests of the residential amenity of the adjoining housing and the dwellings hereby permitted in accordance with Policies CS12 and CS27 of Dacorum Core Strategy (2013).
- 12. Within 3 months of the commencement of the development hereby permitted and, before the occupation of Units 4 and 5 hereby permitted, the existing openings to serve Units 4 and 5 within Elevation 7 on Plan No. TL-4444-21-2K and TL-4444-21-4G shall be blocked up with flint and changed to obscure glass respectively fully in accordance with these approved plans subject to the other requirements of this condition. The openings fitted with obscure glass shall be non-openable and the obscure glass installed shall be of the highest levels of obscurity available in accordance with details approved in writing by the local planning authority. Following the installation of the flint and the approved obscure glass within the respective openings, the installed flint and obscure glass shall be thereafter retained at all times.**

Reason: In the interests of the residential amenity of the adjoining housing and the dwellings hereby permitted in accordance with Policies CS12 and CS27 of Dacorum Core Strategy (2013).
- 13. The bathroom window of Unit 3 shall be non-openable at all times with the exception of a top hung part measured a minimum of 1.8m above the finished floor level.**

Reason: In the interests of the residential amenity of the adjoining housing and the dwellings hereby permitted in accordance with Policies CS12 and CS27 of Dacorum Core Strategy (2013).
- 14. Unit 3 shall not be occupied until the details of the study window serving Unit 3 have been submitted to and approved in writing by the Local Planning Authority. These details shall include the sections to be obscure, the level of obscurity and the**

sections of the window that can and cannot be opened. Unit 3 shall also not be occupied until the study window serving Unit 3 has been installed in accordance with the approved details; and thereafter the approved details shall be permanently retained.

Reason: In the interests of the residential amenity of the adjoining housing and the dwellings hereby permitted in accordance with Policies CS12 and CS27 of Dacorum Core Strategy (2013).

15. **Before the occupation of any dwellings hereby permitted, details of all exterior lighting serving the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed fully in accordance with the approved details prior to first occupation of the development and shall thereafter be retained and maintained fully in accordance with the approved details. The scheme shall include the site's communal areas and include a management plan for its maintenance in perpetuity.**

Reason: In the interests of the environment, residential amenity, crime prevention and highway safety in accordance with Policies CS29 and CS32 of the Dacorum Borough Core Strategy (2013) , Policy 113 and Appendix 8 of the saved Dacorum Borough Local (2004) and Paragraph 130, 174 and 185 (c) of the National Planning Policy Framework (2021).

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

- a. **Construction vehicle numbers, type, routing;**
- b. **Access arrangements to the site;**
- c. **Traffic management requirements**
- d. **Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. **Siting and details of wheel washing facilities;**
- f. **Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. **Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
- h. **Provision of sufficient on-site parking prior to commencement of construction activities;**
- i. **Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- j. **where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;**
- k. **Phasing Plan.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018). In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

17. **The development hereby permitted shall be subject to a drainage scheme (which ensures that surface water does not discharge onto the highway) which shall be submitted to the local planning authority no later than following the demolition of any buildings at the site. The approved scheme shall be constructed fully in accordance with the approved details before the occupation of any of the dwellings hereby permitted.**

Reason: In the interests of highway safety in accordance with Policy CS12 of Dacorum Core Strategy (2013) and the advice of Hertfordshire County Council Highways.

18. **The development hereby permitted shall not be occupied until all the approved boundary treatment including boundary fencing for Plots / Units 1, 2 and 3 (in accordance to be submitted to and approved in writing) have been installed. Thereafter, the approved boundary treatment shall be retained at all times.**

Reason: In the interests of residential amenity in accordance with Policy CS12 of Dacorum Core Strategy (2013).

19. **Subject the requirements of other conditions of this planning permission, the development hereby permitted shall be otherwise carried out fully in accordance with the following plans:**

TL -4444-21 2K

TL -4444-21 31 I

TL -4444-21 4G

TL -4444-21 5F

TL -4444-21 2H

TL -4444-21 1G (Location Plan)

Reason: For the avoidance of doubt.

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Historic Environment (HCC)	<p>ORIGINAL SCHEME</p> <p>Thank you for consulting us on the above application. In this instance I 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> <p>Please do not hesitate to contact me should you require any further information or clarification.</p>
Environmental And Community Protection (DBC)	<p>ORIGINAL SCHEME</p> <p>No recorded response.</p>

<p>Markyate Parish Council</p>	<p>ORIGINAL SCHEME: 21.09.2021</p> <p>Parish Council Customer objects to the Planning Application</p> <p>Overdevelopment of site. Other properties overlooked. Volume of traffic onto High Street. Insufficient parking facilities.</p> <p>PREVIOUS COMMENTS: 08.06.2021</p> <p>The Parish Council object to this application:-</p> <ol style="list-style-type: none"> 1. No parking 2. Access dangerous <p>The Parish Council suggest the Lead Planning Officer looks at this proposed development on site to understand the concerns raised.</p>
<p>Affinity Water - Three Valleys Water PLC</p>	<p>ORIGINAL SCHEME</p> <p>Thank you for forwarding this application. We have reviewed the development and do not have any comments to make.</p>
<p>Thames Water</p>	<p>ORIGINAL SCHEME</p> <p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a 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</p>

	<p>network.</p> <p>As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>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 guidance under sections 167 & 168 in the National Planning Policy Framework. 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 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>ORIGINAL SCHEME</p> <p>Comments (1) Decision Interim</p> <p>The proposal is for the conversion and construction of 6 dwellinghouses on a brownfield site at 50 High Street, Markyate. This is an interim response owing to concerns regarding emergency vehicle access to the site. The furthest building is greater than 45 metres from the highway network to the furthest point. As such a fire appliance is required to enter the site and turn on site in case of an emergency. Therefore, HCC Highways would like to see a swept path analysis illustrating that in case of an emergency a 10.2 metre fire appliance can enter and turn on site to enter the highway network in forward gear. Once this has been provided then HCC Highways can</p>

	<p>make an informed recommendation for the site.</p> <p>Comments (2)</p> <p>Any further fire issues will need to be dealt with by the fire service, especially in terms of a fire strategy as this is not within HCC Highways remit. We would agree with any decision they make, however, it is not ideal that a fire tender cannot access the site. Once, the fire strategy has come in I would send it straight to administration.cfs@hertfordshire.gov.uk who deal with all our fire issues. If you would like me to send it to them when this has been completed then I can do.</p> <p>Kind regards</p>
Trees & Woodlands	<p>ORIGINAL SCHEME</p> <p>Response awaited.</p>
Hertfordshire Building Control	<p>ORIGINAL SCHEME</p> <p>Response awaited.</p>
Waste Services (DBC)	<p>ORIGINAL SCHEME</p> <p>Response awaited.</p>
Strategic Planning & Regeneration (DBC)	<p>ORIGINAL SCHEME</p> <p>Response awaited.</p>
Crime Prevention Design Advisor	<p>ORIGINAL SCHEME</p> <p>Thank you for sight of planning application 21/03244/FUL, Conversion and construction of 6 dwelling houses on brownfield site. Address: 50 High Street Markyate St Albans Hertfordshire AL3 8HZ.</p> <p>I would ask that the dwellings are built to the Secured by Design standard:</p> <ul style="list-style-type: none"> . Windows/Doors : PAS 24:2016 . Communal Doors: LPS 1175 SR2
Hertfordshire Ecology	<p>ORIGINAL SCHEME</p> <p>Please see Revised Scheme response.</p>
Environmental And	<p>ORIGINAL SCHEME</p>

Community Protection (DBC)	Response awaited.
Conservation & Design (DBC)	<p>ORIGINAL SCHEME</p> <p>I've discussed this site / scheme with the Design & Conservation Team Leader - we still have reservations over the design of the development at the rear and in terms of scale it is still a substantial scheme with deep flank elevations.</p> <p>The previous design advice I provided has not really solved the issues and seeing it on plan I can see the advice was flawed - BUT I am not an architect / urban designer and it is not my role to design a scheme!</p> <p>The Design & Conservation Team Leader is going to see if he can find an example of a successful scheme that may work design wise in this location.</p> <p>INFORMAL PLANS (22.12.2021)</p> <p>Thanks for the email and plans. Seeing the new development in context with the ridge / eaves height of the rear wing of no. 6 (adjacent) is helpful and it is acknowledged the development is lower than the ridge / eaves. I see the development is now being dug down by 700mm.</p> <p>I still have reservations over the scale and massing of the roof, particularly above plots 3 / 2 - it is not immediately clear if there is any way on improving upon this as the applicants are not willing to reduce the overall footprint / depth of the development or reconfigure the roof form. Any thoughts?</p> <p>The addition of chimneys were mentioned on the site visit but not incorporated into revised plans.</p> <p>The use of small flint panels as shown does not look sufficiently convincing, I would suggest either a greater amount of flint is used or omitted in favour of good quality brick and brick detailing over windows.</p> <p>(Note : Response to the Agent's e mail:</p> <p>We now propose to dig down into the ground for the rear dwellings - the client has agreed to dig down significantly by 700ml to ensure this final matter of scale is satisfied! As you can see in the cross-section provided within both the site plan and the plot 1, 2 & 3 elevations, the scale of the proposed dwellings is considerably less than the buildings immediately surrounding - it is clear that the site is now much more</p>

	appropriate in terms of scale and massing. I trust this will be looked upon favourably given the effort made by the developer to satisfy this aspect of the proposals).
Historic Environment (HCC)	REVISED SCHEME Response awaited.
Markyate Parish Council	REVISED SCHEME Comments Details Comments: The Parish Council object to this application:- 1. No parking 2. Access dangerous The Parish Council suggest the Lead Planning Officer looks at this proposed development on site to understand the concerns raised.
Natural England	NATURAL ENGLAND'S ADVICE OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Please re-consult Natural England once this information has been obtained. When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive. Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure. The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on

the integrity of the SAC from the cumulative impacts of development.

In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:

- o Damage: encompassing trampling and vegetation wear, soil compaction and erosion;
- o Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;
- o Fire: increased incidence and risk of fire; and
- o Other: all other impacts, including harvesting and activities associated with site management.

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation. Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy. In the Interim we are looking for bespoke mitigation to avoid adverse impacts upon the SAC from recreational disturbance.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62.

Other advice

The proposed development is located within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty

	<p>(AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the development proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 174 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.</p> <p>An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.</p> <p>If you have any queries relating to the advice in this letter please contact the case officer Ryan Rees on 07425 617458 or by email ryan.rees@naturalengland.org.uk.</p> <p>For any new consultations or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.</p>
<p>Conservation & Design (DBC)</p>	<p>REVISED SCHEME</p> <p>21/03244/FUL 50 High Street, Markyate Conversion and construction of 6 dwellinghouses on brownfield site</p> <p>The application site is located to the west of Markyate High Street and comprises a builder's workshop and yard including office, workshop and storage buildings. There is a wide driveway access into the site, between no. 50 and no. 52 High Street, as a consequence there are public views into the site and the levels within the site rise up towards the west, following the topography of the local area.</p> <p>The site lies within the Markyate Conservation Area. Conservation areas are defined as areas that have been designated as being of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The Planning (Listed</p>

Building and Conservation Areas) Act 1990 creates special controls for areas designated as conservation areas. Under the NPPF conservation areas are 'designated heritage assets'. The site also lies within an Area of Archaeological Interest and the setting of adjacent listed buildings, fronting both the High Street and Albert Street needs to be taken into account.

A Heritage Impact Assessment accompanies the application in accordance with NPPF para. 194.

The existing site, a builders yard, has an informal character which is common with these sites to the rear of the High Street. The 19th century flint outbuilding can be seen from the High Street, it represents a good example of flint being used within Markyate and makes a positive contribution towards the character and appearance of the Conservation Area. The other buildings on the site are low key in design and scale, with the majority of sheds being timber clad and single storey, whilst they are of no merit in themselves they are representative of the type of development and uses that once occurred in these rear yards within Markyate.

The retention of the two older outbuildings and their conversion to residential use is acceptable in conservation terms, the extension to the 19th century flint outbuilding (plots 4 and 5) is now more sensitively designed. Unit 6 is a conversion / extension of an existing single storey outbuilding.

A short 'terrace' of 3 dwellings is proposed within the rear part of the site, with plot 1 being the most visible from the High Street. Following a considerable amount of negotiation the design and detailing has been improved and the height reduced. The setting of the grade II listed rear wing of 9 Albert Street will be preserved.

However, the overall footprint and massing of units 1 to 3 at ground and first floor level has not changed since the initial application submission - the three dwellings have an uncharacteristically deep planform, particularly noticeable at first floor level, with a wide flank elevation and low (25 degree) pitched hipped roof over. Whilst the low pitch of the hipped roof does help to keep the massing down, the roof pitch is lower than the more traditional roof pitches seen surrounding the site. The new dwellings have a modern layout, in contrast to the built form of surrounding historic buildings and this, coupled with the low pitch roof does raise the question of how well the development will integrate with the Conservation Area. Setting the terrace down within a dip to reduce its height is not considered an ideal way to further reduce its apparent massing.

Historic boundary walls remain along the north elevation of the site, these are to be retained (as indicated on the site plan), whilst the structures which were built up against these walls at a later date are removed.

It should be ensured the bin 'presentation area' at the entrance to the site does not become a permanent feature.

The resurfacing of the tarmac drive with bound gravel is acceptable. Cobbles, rather than tarmac, at the front of the site would represent an enhancement to the Conservation Area.

Heritage assets are assets are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations' (NPPF, para. 189).

NPPF para. 197 states that In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

NPPF para. 199 is relevant: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Furthermore (NPPF, para. 200): Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Despite the many changes and improvements made to the scheme, in its current form the development does not fully preserve or enhance the character or appearance of the Markyate Conservation Area - a designated heritage asset, contrary to policy CS27 and NPPF section 16.

	<p>The harm identified is considered to be 'less than substantial', as such NPPF para. 202 states:</p> <p>Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.</p> <p>It is recommended, Dacorum Borough Council, as decision maker weighs the less than substantial harm identified against any public benefits the scheme may possess.</p> <p>If DBC is minded to approve this conservation will recommend some planning conditions.</p>
Strategic Planning & Regeneration (DBC)	<p>REVISED SCHEME</p> <p>Response awaited.</p>
Trees & Woodlands	<p>REVISED SCHEME</p> <p>Response awaited.</p>
Environmental And Community Protection (DBC)	<p>REVISED SCHEME</p> <p>(1).POLLUTION</p> <p>I believe we were awaiting a Construction Management Plan regarding this site but there still doesn't appear to be one on the portal?</p> <p>(2).CONTAMINATION</p> <p>Having reviewed the additional application documents and considered my previous advice on this application I am able to confirm that there is no change to my advice of September 2019.</p> <p>Namely that, because the application is for the introduction of a residential land use on a previously developed site with a historical commercial/industrial land use, the following planning conditions are required.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be</p>

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 and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

	<p>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 174 (e) & (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</p> <p>Please let me know if you have any questions.</p>
Hertfordshire Highways (HCC)	<p>REVISED SCHEME</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) Construction Management Plan / Statement</p> <p>No development shall commence until a Construction Management Plan (or Construction Method Statement)* has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:</p> <ul style="list-style-type: none"> a. Construction vehicle numbers, type, routing; b. Access arrangements to the site; c. Traffic management requirements d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e. Siting and details of wheel washing facilities; f. Cleaning of site entrances, site tracks and the adjacent public highway; g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times; h. Provision of sufficient on-site parking prior to commencement of

construction activities;

i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;

k. Phasing Plan.

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

Highway Informatives

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

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

Further information is available via the County Council website at:

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

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

AN 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-inf>

ormation/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.

Comments

The proposal is for the conversion and construction of 6 dwellinghouses on brownfield site at 50 High Street, Markyate. High Street is a 20 mph classified C local access route that is highway maintainable at public expense. This application is in addition to a previous iteration which HCC Highways raised concerns regarding fire vehicle access. It is HCC Highways understanding that the applicant has been in contact with Herts Fire and rescue and HCC Highways would be willing to agree to any fire safety subjects imposed by Herts Fire and rescue.

Highway Matters

The site has an existing dropped kerb which served the old service yard. This dropped kerb will be maintained for use as access for the 6 new dwellings. This access is deemed acceptable for the 6 new dwellings as it is wide (allowing two vehicles to pass) and has appropriate visibility for the speed of the adjacent highway network. Parking is a matter for the Local Planning Authority and therefore any parking arrangements must be agreed by them. All cars are deemed to be able to turn on site to enter and exit the highway network in forward gear.

Drainage

The proposed new hardstanding 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 hardstanding's would need to be collected and disposed of on site.

Refuse / Waste Collection

Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.

Emergency Vehicle access

This is something HCC Highways believes the applicant is in contact with Herts Fire and Rescue regarding fire safety issues.

Why a construction management plan?

A construction management plan is required owing to the location of

	<p>the proposed dwellings in relation to Markyate's High Street.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative and conditions</p>
Hertfordshire Ecology	<p>REVISED SCHEME</p> <p>Thank you for consulting Hertfordshire Ecology on the application for which I have the following comments</p> <p>Summary of advice</p> <ul style="list-style-type: none"> • Updated bat survey is required prior to determination. <p>Supporting documents:</p> <p>The application is supported by the following report:</p> <ul style="list-style-type: none"> • Ecological Appraisal by Cherryfield Ecology (report date 29/04/2021) • Emergence and Activity Bat Survey (EBS) by Cherryfield Ecology (report date 28/07/2021) <p>Comments</p> <p>The site is composed of hardstanding and buildings and no evidence of protected species was found other than the potential for the buildings to be used by nesting birds and bats. Feeding remains provided signs that the largest, B1, is a brick-built building has been used as a feeding roost by bats. Due this and the available access through the louvre windows, air bricks and gaps in the eaves it was assessed as having a high potential as a bat roost. Subsequently, activity surveys were undertaken on the 23/06/2021, 07/07/2021 & 21/07/2021. No evidence of behaviour suggesting the presence of a roost was observed. I have no reason to doubt these conclusions. However, given the evidence for the past use of the building by bats, the continued potential in terms of access points and the duration of time since these surveys were undertaken and that the report is now out of date, I advise an update survey is carried out. This should be prior to determination and sufficient to inform of any changes to the potential or presence of an bats within building B1.</p>
Hertfordshire Building Control	<p>REVISED SCHEME</p> <p>Response awaited.</p>
Crime Prevention Design Advisor	<p>REVISED SCHEME</p> <p>Thank you for sight of planning application 21/03244/FUL, Conversion and construction of 6 dwellinghouses on brownfield site.</p> <p>I would encourage the client to build the dwellings to the police security standard Secured by Design :</p>

	<p>Physical Security (SBD)</p> <p>Front doors Certificated to BS PAS 24:2016</p> <p>Windows: Ground floor windows and those easily accessible certificated to BS PAS 24:2016 or LPS 1175 SR2 including French doors .:</p> <p>Dwelling security lighting : (Dusk to dawn lighting above or to the side front doors).</p> <p>Boundary Exposed side and rear gardens with robust fencing or wall , minimum 1.8m height , gates to be secure with lock.</p>
Markyate Parish Council	<p>REVISED SCHEME</p> <p>The Parish Council discussed this as the Parish Council Meeting and objected on the same grounds as previously.</p> <p>If you require any further information please do not hesitate to contact me.</p>
Waste Services (DBC)	<p>REVISED SCHEME</p> <p>Response awaited.</p>
Affinity Water - Three Valleys Water PLC	<p>REVISED SCHEME</p> <p>Response awaited.</p>
Thames Water	<p>REVISED SCHEME</p> <p>Response awaited.</p>
Natural England	<p>REVISED SCHEME</p> <p>Planning consultation: Conversion and construction of 6 dwellinghouses on brownfield site. Location: 50 High Street Markyate St Albans Hertfordshire AL3 8HZ</p> <p>Thank you for your consultation on the above dated and received by Natural England on 31 March 2022.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>NATURAL ENGLAND'S ADVICE OBJECTION - FURTHER INFORMATION REQUIRED TO</p>

DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)

Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

Please re-consult Natural England once this information has been obtained.

When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.

Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.

The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:

- o Damage: encompassing trampling and vegetation wear, soil compaction and erosion;
- o Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;
- o Fire: increased incidence and risk of fire; and
- o Other: all other impacts, including harvesting and activities associated with site management.

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species

(Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation. Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy. In the Interim we are looking for bespoke mitigation to avoid adverse impacts upon the SAC from recreational disturbance.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62.

Other advice

The proposed development is located within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty(AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the development proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 174 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.

An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.

Further general advice on the consideration of protected species and

other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact the case officer Ryan Rees on 07425 617458 or by email ryan.rees@naturalengland.org.uk.

For any new consultations or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Annex A - Additional Information Natural England

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural

Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Ancient woodland, ancient and veteran trees You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite

measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- o Providing a new footpath through the new development to link into existing rights of way.
- o Restoring a neglected hedgerow.
- o Creating a new pond as an attractive feature on the site.
- o Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- o Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- o Incorporating swift boxes or bat boxes into the design of new buildings.
- o Designing lighting to encourage wildlife.
- o Adding a green roof to new buildings.

Natural England's Biodiversity Metric 3.0 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of Biodiversity Metric 3.0 and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

[2http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx](http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx)

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- o Links to existing greenspace and/or opportunities to enhance and improve access.
- o Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- o Planting additional street trees.
- o Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- o Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 3.0 and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to

	<p>help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.</p> <p>Rights of Way, Access land, Coastal access and National Trails Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.</p> <p>Biodiversity duty Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
21	9	1	8	0

Neighbour Responses

Address	Comments
Hope Cottage 87 High Street Markyate St Albans Hertfordshire AL3 8JG	<p>I'm objecting to the current plan for six properties to be built, as this will have an overall negative impact to the heart of the historic conservation area. Six properties is over-development in such a small plot, the plans are out of keeping with the historic rural nature of the village, and are also not in line with the local plan.</p> <p>Yet again the parking provisions fall short of the minimum standards, as the information used in their report is incorrect.</p> <p>The Dacorum Parking Standards SPD which was adopted 18 November 2020 includes the following for a C3 Dwelling House (Markyate is in Accessibility Zone 3)</p>

	<p>1 bed Allocated Spaces $1.25 \times 3 = 3.75$ 3 bed Allocated Spaces $2.25 \times 3 = 6.75$</p> <p>This is a minimum of 11 parking spaces and not the 9 spaces they have listed.</p> <p>Also given the recently granted applications for new dwellings at Numbers 93-95 and 64 High Street, which together with this application will total 9 new dwellings in an already heavily congested area, a parking stress survey should be undertaken to review whether the minimum parking spaces per the Parking Standard SPD are adequate as the council also has the discretion to impose additional standards given the development is located in an area of particular parking stress.</p> <p>Section 6.2 of the Heritage report refers to "Markyate High Street is a busy road with on street parking. This makes the High Street difficult to navigate, and not only during peak commuting hours. At present, the builder's yard has large vans coming on and off site throughout the day, causing additional traffic congestion. Replacing the current building yard with residential dwellings would cause a reduction in that traffic going to and from site, a benefit to the surrounding area greatly."</p> <p>As in previous objections, there is very little traffic that currently goes onto the site and this is usually at off-peak times. Having parking provisions for 9 (or 11 if using the correct data) vehicles entering and exiting the incredibly busy and congested High Street (more than likely to be mostly at peak times) with little visibility of oncoming traffic will be a huge issue, adding to the congestion and creating additional noise creating a negative impact to neighbours, businesses on the High Street, the bus route and the overall character of the historic High Street.</p> <p>6.2 of the Heritage Assessment also makes reference to ... "Surprisingly, this development has had limited impact on the character of the village centre, as it is not directly visible from the High Street. Similarly, the proposed development would not greatly impact the street view within Markyate Conservation Area".</p> <p>This is incorrect as pointed out in my previous objections as Unit 1 will be directly visible from my property (a listed building which has not been mentioned at all in the heritage report) as well as being able to see much of the Units 4,5 & 6 from the High Street. The heritage report needs to be reviewed again and I welcome the conservation officer for a site visit. I will be sending photos to the planning officer to support this point.</p>
<p>9 Albert Street Markyate St Albans Hertfordshire AL3 8HY</p>	<p>I am writing to once again object to this development. My reasons are given below.</p> <ol style="list-style-type: none"> 1. Six houses is excessive for the size of the plot. 2. There is no need/demand for this development. It's overbearing and out of scale. 3. The development has inadequate parking for the number of houses which will further exasperate the already severe parking problem for the residents of nearby streets and the High Street.

	<p>4. The rear height of number 9 Albert Street is significantly lower than the front. The planned ridge height of Units 1, 2 and 3 will be significantly higher than the rear roof height of 9 Albert Street. The build will overshadow rear bedrooms, block the light completely and reduce privacy.</p> <p>5. This is a conservation area. The development is out of character with the surrounding Grade II listed properties and the historical High Street. It will have a negative effect on the areas character and appearance.</p> <p>6. Contravenes the Dacorum Plan ref CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of the Historic Environment.</p> <p>7. Markyate census and Parish Council Plan states that there should be no further infilling and Markyate High Street is critically congested.</p> <p>8. There will be an increase in noise and disturbance at the weekend. I am writing to once again object to this development. My reasons are given below.</p> <ol style="list-style-type: none"> 1. Six houses is excessive for the size of the plot. 2. There is no need/demand for this development. It's overbearing and out of scale. 3. The development has inadequate parking for the number of houses which will further exasperate the already severe parking problem for the residents of nearby streets and the High Street. 4. The rear height of number 9 Albert Street is significantly lower than the front. The planned ridge height of Units 1, 2 and 3 will be significantly higher than the rear roof height of 9 Albert Street. The build will overshadow rear bedrooms, block the light completely and reduce privacy. 5. This is a conservation area. The development is out of character with the surrounding Grade II listed properties and the historical High Street. It will have a negative effect on the areas character and appearance. 6. Contravenes the Dacorum Plan ref CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of the Historic Environment. 7. Markyate census and Parish Council Plan states that there should be no further infilling and Markyate High Street is critically congested. 8. There will be an increase in noise and disturbance at the weekend.
<p>58 High Street Markyate St Albans Hertfordshire AL3 8HZ</p>	<p>We write to confirm our third objection to this proposal. This development poses the largest impact to our property as it runs the full length of our land and the proposed changes directly overlook our house and garden. The location plan does not show the correct relationship of the plot to our house. We are a grade II listed property within a conservation area. With the following issues highlighted, we again request this application be refused.</p> <ol style="list-style-type: none"> 1. Contravenes the Dacorum Plan ref CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of the Historic Environment. The Parish Plan states there should be no further infilling within Markyate. The design and layout of the development is not in keeping with the historic nature of the High Street and Albert Street where many of the properties are Grade II listed. 6 buildings on

this plot is excessive, currently the site is only occupied on weekdays during working hours, this development will increase noise in the area.

2. Units 4&5 are the closest units to our Grade II listed property, the walls of the existing workshops form our boundary. Turning these workshops into residential dwellings has a huge impact on our privacy, with an ongoing increase of noise. The proposed windows and skylights directly overlook our property and garden. The proposed windows would have a direct view into our kitchen and our bedrooms. This is an increased security risk.

3. There is no right of access to our land for this development work to be carried out. The location plan wrongly depicts the relationship of the existing workshop to our property showing our grounds inaccurately.

4. There has been no agreement reached with us regarding plans to alter our boundary fencing and walls.

5. Units 2&3 - Unit 2 is too close to our boundary. Both units overlook our property, loss of privacy, loss of light and overshadowing. Unit 3 will look straight towards bedrooms at the rear of our house. The development as a whole will cause a visual intrusion to both our house and garden.

6. The High Street is already at full capacity and cannot take any further overflow parking that this development would bring. This proposal will have a negative impact on traffic flow and available parking.

We write to confirm our fourth objection to this proposal. This development poses the largest impact to our property as it runs the full length of our land and the proposed changes directly overlook our house and garden. The location plan does not show the correct relationship of the plot to our house, we have detailed the errors on an email to Planning at DBC, and Jane Timmis DBC dated 9th April 2022. We are a grade II listed property within a conservation area. With the following issues highlighted, we again request this application be refused.

1. Contravenes the Dacorum Plan ref CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of the Historic Environment. The Parish Plan states there should be no further infilling within Markyate. The design and layout of the development is not in keeping with the historic nature of the High Street and Albert Street where many of the properties are Grade II listed. 6 buildings on this plot is excessive, currently the site is only occupied on weekdays during working hours, this development will increase noise in the area.

2. Units 4&5 are the closest units to our Grade II listed property, the walls of the existing workshops form our boundary. Turning these workshops into residential dwellings has a huge impact on our privacy, with an ongoing increase of noise. The proposed windows and skylights directly overlook our property and garden. The proposed windows would have a direct view into our kitchen and our bedrooms.

This is an increased security risk.

3. There is no right of access to our land for this development work to be carried out. The location plan wrongly depicts the relationship of the existing workshop to our property showing our grounds inaccurately. (as per email to planning and Jane Timmis dated 9th April 2022 where we have marked the correct boundaries)
4. There has been no agreement reached with us regarding plans to alter our boundary fencing and walls
5. Units 2&3 - Unit 2 is too close to our boundary. Both units overlook our property, loss of privacy, loss of light and overshadowing. Unit 3 will look straight towards bedrooms at the rear of our house. The development as a whole will cause a visual intrusion to both our house and garden.
6. The High Street is already at full capacity and cannot take any further overflow parking that this development would bring. This proposal will have a negative impact on traffic flow and available parking.

Ultimately - this is a huge overdevelopment of the area. My husband and I continue to strongly object and note that despite asking, no-one from Planning has been to visit us so that we can show the issues we raise. We do not believe this to be a legal application given that the boundaries shown continue to be incorrect despite us having raised this on numerous occasions.

Copy of email sent to Planning 14:06:2022

Thank you for advising that further plans had been submitted onto the Dacorum planning portal. We have taken a look and our comments are below. Whilst we appreciate that some consideration has been made to points we have raised with you, the majority of our objections have still not been addressed.

1. Contravenes the Dacorum Pan ref CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of Historic Environment - please refer to our previous 4 objections for our detailed comments regarding this.
2. Units 4&5 - impact on our privacy, windows and skylights overlooking - there has been no change on the plans so please refer to our previous 4 objections regarding this.
3. Right of access to our land / boundaries shown on the plans - whilst we note that the plans have been amended to show our boundary near the lawn correctly - they have not been corrected to show our property as a whole, the plans still imply that our home is smaller than it actually is with the archway being shown as a separate property.
- 4) Whilst we note that there is now suggestion of a brick wall and trellis, the height seems to have reduced (previously 2m from applicants side). We have previously been told this boundary is our responsibility. No-one has discussed removal of our fence - how the work would progress, payments for damage to our established gardens etc.
- 5) Units 2&3 - sadly no change to our previous 4 objections, there will still be visual intrusion to both our house (rear bedrooms and main living areas) and our gardens.
- 6) Overdevelopment of the area, traffic flow and parking on the High Street is at full capacity - nothing has changed since our previous objections.

In terms of my email to you dated 12th May:

- 1) Boundary lines still need further attention to show our property correctly
- 2) Overlooking windows - no change within revised drawings so our comments / objections remain
- 3) Loss of screening - we note the suggestion of a wall but are still concerned about loss of privacy and views directly into our bedrooms

- 4) Security - We note that the suggestion is to move the bins slightly and create two bin stores but the issue of security is still of concern to us as per previous objections
- 5) Trees - these are still not accurately shown
- 6) We note the addition of the two proposed properties at number 64 and would ask that planners note that our land is being squeezed from both sides by new developments
- 7) No change to our previous objections - this is overdevelopment with insufficient parking and infrastructure to support it
- 8) Bins at the entrance to the development will be insufficient for the number of houses and will remain an eyesore

We continue to object to this development.

Thank you for advising that further plans had been submitted onto the Dacorum planning portal. We have taken a look and our comments are below. Whilst we appreciate that some consideration has been made to points we have raised with you the majority of our objections have still not been addressed.

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<p>46 High Street Markyate St Albans Hertfordshire AL3 8HZ</p>	<p>I'm objecting to the roof line going from a flat roof and at the same height as it is now as per previous applications to now towering above the existing garage and garden wall This will directly impact the natural light into my property which is already damp enough against a grade II listed building and far too close and literally on the boundary. What next higher then revised plans to put another bedroom in. The properties new roof line would also need to have its guttering overhanging my garden and no one maintains these so i already have dripping guttering adding to my damp property. Natural light especially in winter when needed most will be blocked!!! Insufficient evidence on planning for these changes!</p> <p>No 50a existing dwelling is losing its existing 2 parking spaces, there is no overflow parking already in Markyate so where are they proposed to park.</p> <p>Infill development goes against the Parish Plan but at least make the parking provisions. adequate, This is effecting residents and sadly local business already as there is none!!!!</p> <p>out of keeping for the area and the bin store will be seen from our beautiful grade II listed area and be an eye saw too.</p> <p>Too many buildings in a small area, at present the access is only used during working hours and this is excessive to add to the traffic and congestion already present</p>
<p>5 Albert Street Markyate St Albans Hertfordshire AL3 8HY</p>	<p>1. 6 residential dwellings is an excessive overdevelopment from current usage.</p> <p>2. INADEQUATE PARKING: Markyate high street and surrounding roads have a severe parking problem with residents already struggling to park near their properties and unable to accommodate visitor</p>

parking at all. The plan shows 8 apparent spaces (9 according to document) for 6 residences which will only work if the 1 bed units are single person occupied and there are no adult children and no one expects any visitors ever. The reality is that at some point multiple units will exceed their allocated parking spaces and will push into the high street and surrounds which CANNOT accommodate any more cars and certainly not on a permanent basis. Additionally, it seems that the plans will restrict 50A's current parking at the entrance to the development which will push 2 more cars into the High Street. This is not a plan that shows any sensitivity to the village and its existing problems with parking.

3. Unit 1 (added to the existing height of No 9 Albert Street) will block light during winter across more than 50% of the garden of No 5 Albert Street. We already lose significant afternoon light with the existing height of No 9 Albert Street.

4. Markyate census and Parish Council Plan states no further infilling and High Street is critically congested.

5. More should be done to protect the privacy of No 3 and No 9 Albert Street which will be overlooked by the new buildings

6. No effort has been made by the developers to discuss this plans with the neighbours and residents severely affected.

7. This change in use will significantly increase noise and congestion on weekends where currently the site is unused on weekends.

8. The bin store will be unsightly against the village high street
I am pasting my previous comments below as they have not been addressed by the changes. I also want to point out that once again No 5 Albert Street was not notified of the new application despite having a clear interest in the development and being one of the more affected properties. No one has assessed the impact that the property will have on our property or responded directly to my complaints or requests for a visit to discuss.

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Comment submitted date: Wed 13 Apr 2022

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Comment submitted date: Sun 26 Sep 2021

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	8. The bin store will be unsightly against the village high street
Markyate Village Hall Cavendish Road Markyate St Albans Hertfordshire AL3 8PS	Overdevelopment of site. Other properties overlooked. Volume of traffic onto High Street. Insufficient parking facilities.
5 Albert Street Markyate	<p>Thank you for visiting my property last month, hopefully it gave you a clear view of how much obstruction the development is proposing to cause my property. Please could you confirm receipt of this email.</p> <p>To confirm and adding the attached photos (at end) for reference:</p> <ul style="list-style-type: none"> - 5 Albert Street has 4 elevations including a basement level kitchen, dining area where my family spends a significant amount of time (young boys, working from home parents) and which already receives very little light due to its elevation - The development plans have assumed a street level elevation for 5 Albert Street which is incorrect, the only area that is street level is the garage and library area so the plans do not accurately or fairly account for the impact on the property - the living area is above street level and currently enjoys sun across from the garden which will be directly blocked by the development - 5 Albert street's garden is already enclosed on the right side by 9 Albert Street which has a high wall against the garden area cutting off significant amounts of afternoon sun even in mid-summer - the proposed development would further enclose the garden property significantly impacting summer sun and (based on the December photos below) completely cut off all sun to the garden during winter - the proposed development will result in a complete loss of sunlight to 5 Albert Street's garden during winter months and substantial loss of sunlight during summer - the proposal is a massive overdevelopment and far too high an impact on adjoining properties. - the village cannot handle a development of this size that does not allow for ample parking spaces, public transport in the village is poor and it should be assumed that all adults with the income to be buying into a property or renting a new build will need a car for work and living - the developers have not amended their plans to allow for 5 Albert Street's correct elevations despite objections and have NEVER responded to objections from this property despite it being one of the most affected - This development is contrary to the work that Dacorum is doing to protect the heritage of the village. - 5 Albert Street is being proposed for LOCAL LISTING due to the significance of this property in displaying the history and style of the village, allowing it to be enclosed by ugly new build apartments is contrary to the intent of the council here - Below pasted all my comments on the planning application, none of which have been responded to directly. <p>PASTED FROM THE PLANNING PORTAL:</p>

5 Albert Street Markyate St Albans Hertfordshire AL3 8HY (Objects)

Comment submitted date: Mon 20 Jun 2022

Resubmitting my objections which have not been addressed. And wanting to point out that the resubmissions were once again made during school holidays in the hope of avoiding objections and that ONCE AGAIN MULTIPLE AFFECTED HOUSES WERE NOT NOTIFIED. I am relying on neighbours on the high street to update me to new submissions when the houses on Albert street should be receiving direct notices. AND IT IS WELL OVERDUE FOR ANYONE INVOLVED IN THIS APPLICATION TO CONSULT WITH THE ALBERT STREET HOUSES AFFECTED. I have yet to have any feedback to my concerns and the effective 'boxing in' that this development will do to my property.

Comment submitted date: Wed 13 Apr 2022

I am pasting my previous comments below as they have not been addressed by the changes. I also want to point out that once again No 5 Albert Street was not notified of the new application despite having a clear interest in the development and being one of the more affected properties. No one has assessed the impact that the property will have on our property or responded directly to my complaints or requests for a visit to discuss.

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7. This change in use will significantly increase noise and congestion on weekends where currently the site is unused on weekends.

Comment submitted date: Sun 26 Sep 2021

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1. 6 residential dwellings is an excessive overdevelopment from current usage.

	<p>2. INADEQUATE PARKING: Markyate high street and surrounding roads have a severe parking problem with residents already struggling to park near their properties and unable to accommodate visitor parking at all. The plan shows 8 apparent spaces (9 according to document) for 6 residences which will only work if the 1 bed units are single person occupied and there are no adult children and no one expects any visitors ever. The reality is that at some point multiple units will exceed their allocated parking spaces and will push into the high street and surrounds which CANNOT accommodate any more cars and certainly not on a permanent basis. Additionally, it seems that the plans will restrict 50A's current parking at the entrance to the development which will push 2 more cars into the High Street. This is not a plan that shows any sensitivity to the village and its existing problems with parking.</p> <p>3. Unit 1 (added to the existing height of No 9 Albert Street) will block light during winter across more than 50% of the garden of No 5 Albert Street. We already lose significant afternoon light with the existing height of No 9 Albert Street.</p> <p>4. Markyate census and Parish Council Plan states no further infilling and High Street is critically congested.</p> <p>5. More should be done to protect the privacy of No 3 and No 9 Albert Street which will be overlooked by the new buildings</p> <p>6. No effort has been made by the developers to discuss this plans with the neighbours and residents severely affected.</p> <p>7. This change in use will significantly increase noise and congestion on weekends where currently the site is unused on weekends.</p> <p>8. The bin store will be unsightly against the village high street</p>
	<p><u>Councillor Shelia Pilkinton</u></p> <p>E Mail 1</p> <p>For the developers, the agent has written that : 'we have been proactively working with the local planning authority ...we are at a stage where the planning, conservation and highways officers are pleased with the proposals' There are no plans on the DBC planning application site which could be getting such a positive reaction.</p> <p>As far as the Parish Council know, we are still waiting for the planning officer to visit all but one of the properties which have a boundary with the site. We are concerned that the original plan has some serious errors.</p> <p>From last Friday, I understood that our clerk would receive information on an SPD on parking. I believe I have obtained this information from the DBC site as well as Stress testing methods. I believe we urgently need to do a stress test of the area, albeit it is</p>

during the school holidays. Many of our householders on the High Street have no off-street parking so the plans for 50 High Street are a great concern.

E Mail 2

I promised to explain why I think the parking needs of Markyate have been understated.

I will begin by referring to the Parking Standards Review using the reference numbers and pages. This document was prepared by the same consultants as the Parking Standards Supplementary Planning Document of November 2020, and there are many common elements.

Local Highway Network pages 4,5 Figure 2.1

Although the figure shows the A5 now declassified as A5183, it is not mentioned in the text. This is the main route through Markyate.

Rail Services pages 6, 8 Figure 2.2

The rail line to London St Pancras through Luton, Harpenden and St Albans is not shown. All these stations are used by Markyate residents as well as those on the Euston line through Hemel.

Were a contour map included it would show that while the remainder of Dacorum straddles the Gade valley used by the Grand Union Canal and the Euston main line and the A41, Markyate is in the Ver valley and on Watling Street/A5.

The following pages deal with broad averages and specific towns, until

Dacorum car ownership by ward pages 17,18 Figure 2.8, 2.9

The rural wards have higher car ownership. Watling Ward, which includes Markyate has 14% above the Dacorum car ownership average. In the Dacorum Core Strategy there are three 'large villages' to have more housing. All three are within wards with above average car ownership. More broad averages until

Feedback on current parking standard policy pages 35,36

4.7 ..Discussions were also held with officers and councillors on the application and use of the current standards

4.10 Councillors noted that in their view there were many serious parking issues caused by new development..

Presumably the Councillors consulted were Borough Councillors, the Parish and Town Councillors are nearer to their locality and might have been able to be more precise in their comments.

Site Visits and Surveys pages 36, 37

Residential Sites (and mixed residential)

Castlemill, Lower Kings Road, Berkhamsted

Dixons Wharf, Wilstone

Rose and Crown, Beechcroft, Tring

Apsley Lock

Apsley Marina

Image site, Central Hemel

Stag Lane, Berkhamsted

Note NONE of these sites is in one of the 'large villages' listed for more housing.

5.0 PARKING STANDARDS GENERAL page 40

5.3 Research has indicated that attempts to curb car ownership

through restricting parking are unlikely to be effective in limiting the number of cars a household would acquire unless the area is very accessible to public transport and other modes, there are many local facilities within easy walking distance, and (usually) there are on-street controls preventing uncontrolled parking. Experience from many residential developments has been that rather than encouraging a shift away from car ownership, restrictive parking standards in some locations have simply intensified the demand for any available on-street parking.

5.4 Therefore, there is the presumption that vehicle parking must be designed into new development schemes to include accommodation for on-site parking; on-street parking can only be proposed if there is sufficient capacity.

These points express the concerns of the Parish Council in relation to developments in Markyate.

The following extracts are points we would support:

Further points, page 40

5.5 There is clear evidence from officers, councillors and site visits that parking standards are required to manage the network and reduce pressure on the on-street supply, which leads to parking that can increase congestion and reduce road safety.

5.6 Basing all standards on a maximum approach is likely to lead in some cases to under-provision of parking and pressure on scarce on-street resources. We therefore recommend that the standards move away from a maximum approach to a 'requirement' approach, ...

Principles, page 41,

o However, these standards need to be flexible, and we have suggested the factors the council could consider in determining changes above or below these; we also suggest more use of parking stress surveys when developments are considered, and have provided guidance on these.

Accessibility zones page 42

5.9.The presence of on-street controls and local parking stress will also be important in making decisions on reductions in these zones. (referring to Hemel and Berkhamsted)

5.10 In all other areas, we suggest that the requirement would apply as a starting point, but be applied flexibly if robust evidence can be provided to the council

Both the review and the later Parking Standards Supplementary Planning Document (SPD) reference Stress Surveys. The SPD Appendix C contains On-street Parking Survey Stress Survey Specification.

I believe that I have shown that the preliminary study ignored the evidence that Markyate has above average car ownership and did not include a site visit or survey of any of the 'large villages' designated for additional housing in the Core Strategy - notably Markyate.

With bias against the 'large villages' I believe the standards for parking in residential areas established in the SPD are understated, at least in so far as 'large villages' are concerned.

This makes it essential that a Stress Survey is conducted before the development at 50 High Street Markyate is progressed. I would further suggest that the Stress Survey is carried out at say 8.00am and 8.00pm as I believe that both times will be revealing.

As for the area of the study, and the distance from 50 High Street, this will include Albert Street, Wesley Road and say from Nisa at 66 High

	<p>Street, on the corner of Buckwood Road, to the Swan, opposite the entrance to Roman Way.</p> <p>It would be good if the developers were to conduct the Stress Survey, or perhaps Markides Associates could be asked to look into the parking issues in Markyate, which they missed in their earlier work. It would be a big undertaking for the Parish Council.</p> <p>kind regards</p>
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