

ITEM NUMBER: 5c

23/02861/FUL	Demolition of existing detached dwelling and garage and construction of a pair of semi-detached dwellings.	
Site Address:	8 King Street Markyate St Albans Hertfordshire AL3 8JY	
Applicant/Agent:	Mr Gray	Mr Richard Collin
Case Officer:	James Gardner	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Contrary view of Parish Council	

1. RECOMMENDATION

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

2. SUMMARY

2.1 The principle of residential development in this location is acceptable. The proposal comprises the demolition of an existing dwelling, to be replaced by a pair of semi-detached dwellings, which would optimise the use of available land within an established residential area. The design would sit comfortably within the surrounding area, noting that there is a variety of dwelling styles in the vicinity and that the dwelling to be replaced is of no architectural merit. The amenity space and parking provision are considered acceptable and, whilst visible from surrounding units, the proposal will not have a significant impact on the living conditions of neighbouring properties.

2.2 The proposal is therefore in accordance with Policies CS4, CS10, CS11 and CS12 of the Core Strategy Saved Appendix 3 of the Dacorum Borough Local Plan and the NPPF.

3. SITE DESCRIPTION

3.1 The application site is located on the southwest side of George Street in Markyate. The site comprises a two-storey detached dwelling situated to the rear of 28 and 32 George Street. Immediately to the rear of the site is an area of open playing fields and associated children's play park. The site is located in an established residential area of Markyate and is predominantly characterised by terraced properties, although there are some examples of semi-detached dwellings and flats, including the adjoining Sursham Court.

4. PROPOSAL

4.1 The application seeks full planning permission for the demolition of the existing detached dwelling and garage and its replacement with a pair of semi-detached dwellings. Each dwelling would comprise three bedrooms and would have off-street parking for two vehicles (four spaces in total) along with private outdoor amenity space to the rear.

5. PLANNING HISTORY

Planning Applications:

23/01999/FUL - Demolition of existing detached dwelling and garage and construction of 2 No. four bedroom detached dwellings
WITHDRAWN - 19th November 2023

6. CONSTRAINTS

CIL Zone: CIL3

Former Land Use (Risk Zone):

Large Village: Markyate

Parish: Markyate CP

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 (December 2023)

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

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

Relevant Policies:

Dacorum Borough Core Strategy:

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8 – Sustainable Transport

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS26 - Green Infrastructure

CS27 – Quality of Historic Environment

CS29 - Sustainable Design and Construction

CS32 - Air, Soil and Water Quality

Dacorum Borough Local Plan:

Policy 10 - Optimising the Use of Urban Land

Policy 99 - Preservation of Trees, Hedgerows and Woodlands 245

Policy 100 - Tree and Woodland Planting

Policy 129 - Storage and Recycling of Waste on Development Sites

Appendix 3 - Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents:

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

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- Principle of Development
- Quality of Design / Impact on Visual Amenity
- Impact on Residential Amenity
- Impact on Highway Safety and Parking
- Other Material Planning Considerations.

Principle of Development

9.2 Core Strategy Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged. Furthermore, within the Core Planning Principles outlined in the NPPF there is heavy emphasis on the planning system's responsibility to make effective use of land (section 11). Paragraph 123 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. This is supported by Saved Policy 10 of the Dacorum Borough Local Plan, which seeks to optimise the use of available land within urban areas.

9.3 Taking all of the above into account, the proposal is acceptable in principle and would be located in a sustainable location that would seek to optimise the use of urban land. The proposal is in accordance with policies CS1 and CS4 of the Core Strategy, Saved Policy 10 of the Dacorum Borough Local Plan and the NPPF.

Quality of Design / Impact on Visual Amenity

9.4 Policies CS10, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and paragraph 135 of the NPPF seek to ensure that new developments are visually attractive and integrate with the surrounding area in terms of layout, design, scale and materials.

9.5 The application site is located within an historic part of Markyate village, with mostly Victorian terraced properties to the north on George Street and more modern development to the southeast. The site is relatively well-screened from public view due to its position to the rear of 28 and 32 George Street. Material finishes in the vicinity mainly comprise facing brickwork, however there are limited examples of painted render.

9.6 The proposed development comprises a pair of two-storey semi-detached dwellings with a gable-end roof, front gable projections, single storey rear projections and rear-facing dormer windows. The dwellings would be finished in facing brickwork and would comprise a parking area to the frontage with space for four vehicles.

9.7 It is considered that the proposed dwellings will not have a detrimental impact upon the character and appearance of the surrounding area. The proposed development would be relatively well-screened and it is considered that the dwellings would integrate with properties in the surrounding area in terms of layout, design, scale and materials. The proposal therefore complies with Policies CS10, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and the NPPF.

Impact on Residential Amenity

9.8 Policy CS12 of the Core Strategy states that new development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to properties in the surrounding area. Furthermore, Saved Appendix 3 of the Local Plan states that residential development should be designed and positioned to maintain a satisfactory level of sunlight and daylight for existing and proposed dwellings. Paragraph 135 f) of the NPPF seeks to ensure that planning decisions create places with a high standard of amenity for existing and future users.

9.9 In terms of existing occupiers, there are no significant concerns in terms of impact on privacy, light provision, or being visually overbearing. In relation to no. 28 and 32 George Street, the proposed scheme would result in an increase in built form that would be visible from the rear windows and garden of this neighbouring property, however the front-to-back separation distance of 29m exceeds the minimum requirement set out in Saved Appendix 3. It is noted that there is a difference in levels, with the proposed dwellings being situated at around 1.7 higher than 28 George Street, however the proposed dwellings would nonetheless clear the 25-degree rule of thumb test (BRE Site Layout Planning for Daylight and Sunlight).

9.10 In relation to the two existing bungalows to the southeast of the site, nos. 6 and 7 Sursham Court, the proposed southeast flank elevation would comprise a two storey gable-end, however the overall height of the proposed roof would be lower than the existing dwelling on the site by 0.64m. Moreover, the proposed roof form, when viewed from 6 and 7 Sursham Court, would have less of a visual impact than the existing roof form. There would be one side-facing window at first floor level, however this would serve a bathroom and a condition would be added to ensure that it is obscure-glazed.

9.11 In terms of future occupiers, it is considered that the proposed dwellings would have an acceptable amount of outdoor amenity space and the internal layout of the dwellings would provide a high standard of living space. Externally, the dwellings would have split-level private gardens due to the increase in topography towards the rear of the site.

9.12 Overall, it is considered that the proposed development would provide a high standard of amenity for existing and future users, to accord with the above-mentioned policies.

Impact on Highway Safety and Parking

9.13 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.14 The parking requirement set out in the Parking Standards SPD states that within Accessibility Zone 3 a three-bedroom dwelling should provide 2.25 allocated or 1.8 unallocated off-street car parking spaces. This equates to a parking requirement of 4.5 allocated spaces or 3.6 unallocated spaces. The proposed scheme would provide 4 spaces to the front/side of the dwellings. It is not clear whether the spaces would be allocated or unallocated, however it is considered that the proposal would provide sufficient parking given that the site is located within a sustainable location, in the centre of Markyate and with good access to local amenities.

9.15 In terms of highway safety, the Highway Authority has been consulted and has raised no objection to the proposal. It is noted that the existing access is narrow and has poor visibility, however the proposed use of the site to access two dwellings, in comparison to the existing use of the site to access one dwelling, does not necessitate any changes to the access arrangements. The adjacent highway has a 30mph speed limit and there have not been any recent recorded accidents. Given that there is an existing access that has historically operated successfully, the Highway

Authority raises no concerns, subject to a construction management plan being secured by condition.

9.16 Taking all of the above into account, the proposal complies with the above-mentioned policies in terms of parking and highway safety.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.17 Saved Policies 99 and 100 of the Dacorum Borough Local Plan and Policy CS12 of the Core Strategy seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.18 There are no Tree Preservation Orders or otherwise protected trees within the application site, however a number of trees and dense shrubs would be removed to facilitate the development. Replacement tree planting has been indicated on the submitted site plan, as well as trees shown for retention. In order to ensure that replacement tree planting is appropriate and that retained trees are protected during construction works, a landscaping scheme and tree protection plan would be secured by condition, should permission be granted. The landscaping scheme would also ensure that appropriate boundary treatment and screening, hard surfacing and soft landscaping details are provided.

9.19 Subject to the above landscaping and tree protection conditions, the proposal is considered to accord with Saved Policies 99 and 100 of the Dacorum Borough Local Plan and Policy CS12 of the Core Strategy.

Waste Management

9.20 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling. The submitted proposed site plan shows that there would be adequate space within the site, adjacent to the dwellings, to provide secure space to store wheelie bins. A wheelie bin collection point has also been indicated on the site plan that would be within 25m of the adjoining highway. It is considered that the development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

Contaminated Land

9.21 Policy CS32 of the Core Strategy states that development will maintain soil quality standards and remediate contaminated land in line with Environment Agency, Defra and Natural England guidance. The site resides within an area of potentially contaminative former land use/s. The Council's Contaminated Land Officer has been consulted and raised no objection to the proposal, subject to the inclusion of a precautionary contaminated land discovery condition and informative notes. Subject to the recommended conditions, the proposal complies with Policy CS32.

Ecology

9.22 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Furthermore, Core Strategy Policy CS26 seeks to conserve and restore habitats and species.

9.23 A Preliminary Roost Assessment (PRA) was submitted in support of the application, which found that both the existing main house and garage have negligible potential to support bat roosts. Furthermore, the internal and external inspections of the house and garage did not locate any

evidence of current or past bat occupancy. The PRA concluded that no further surveys are required prior to determination.

9.24 Additionally, the above-mentioned landscaping condition would secure tree planting as a form of biodiversity enhancement. Thus, it is considered that the proposed development complies with Policy CS26 and the NPPF in terms of biodiversity.

Habitats Regulations Assessment – Chilterns Beechwoods SAC

9.25 As part of its ongoing work to prepare the Local Plan, Dacorum Borough Council is required by law to undertake a Habitats Regulations Assessment (HRA) to understand the impacts that current and planned future growth is having on sites designated under the Habitats and Birds Directive. Evidence gathered to date concludes that the integrity of the Chilterns Beechwoods SAC, particularly at Ashridge Commons and Woods SSSI, is being harmed as a result of public access and disturbance.

9.26 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites.

9.27 The application site resides within the Chilterns Beechwoods 'zone of influence', therefore following advice from Natural England, a mitigation strategy is needed, which sets out the actions necessary to protect the SAC from both existing and future pressures. At a meeting held on 15 November 2022, Dacorum Borough Council Cabinet approved the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy. It also approved two Suitable Alternative Natural Greenspace (SANG) Management Plans for Bunkers Park and Chipperfield Common.

9.28 The new Mitigation Strategy sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6-kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). These measures will be delivered through a range of projects by the National Trust over a period of around 80 years (to 2102-2103).

9.29 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 for each new home built.

9.30 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.

9.31 Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. 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.

9.32 The proposed development would be eligible to financially contribute to the two SANG Management Plans for Bunkers Park and Chipperfield Common, which would be secured via legal agreement should planning permission be granted.

Response to Neighbour Comments

9.33 An objection has been received from one of the neighbouring properties with concerns relating to design, highway safety, disruption during construction, loss of privacy and subsidence. These points have been addressed above other than disruption during construction and subsidence, which are not material planning considerations and cannot therefore be taken into account.

Community Infrastructure Levy (CIL)

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

10. CONCLUSION

10.1 By virtue of its layout, design and scale the proposed dwellings will not cause harm to the character of the area nor will it adversely impact upon the residential amenity of neighbouring occupants. The proposal would make effective use of land and would meet the requirements in terms of parking provision. The proposal is therefore in accordance with Policies CS4, CS10, CS11 and CS12 of the Core Strategy Saved Appendix 3 of the Dacorum Borough Local Plan and the NPPF.

11. RECOMMENDATION

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

Condition(s) and Reason(s):

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2. Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 180 of the National Planning Policy Framework (December 2023).

- 3. 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 and type**
- 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.**

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 CS8 and CS12 of the Dacorum Borough Core Strategy (2013).

- 4. No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices.**

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

Informative: Materials should be kept on site and arrangements made with the Planning Officer for inspection.

- 5. No development above slab level shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- all external hard surfaces within the site**
- other surfacing materials**
- means of enclosure**
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs.**

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local

Plan (2004) and Policies CS12 (e) and CS26 of the Dacorum Borough Council Core Strategy (2013).

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

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

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

- 7. The first floor windows of the dwellings hereby approved, as shown on side elevation (1) and (2) on drawing no. 07_PL, shall be non-opening below a level of 1.7m above internal floor level and permanently fitted with obscured glass with a minimum privacy level of 3, and retained as such in perpetuity.**

Reason: In the interests of the residential amenities of the occupants of surrounding dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 135 f) of the National Planning Policy Framework (December 2023).

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

**06_PL Rev A
07_PL
08_PL Rev A
Preliminary Roost Assessment by Clive Herbert dated 2023 (received on 15 December 2023)**

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

Informatives:

1. Identifying Potentially Contaminated Material: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

2. Introduction of Soft Landscaped Garden or Amenity Areas: Any soils, whether imported or site-won, to be used in the provision of soft landscaped garden and amenity areas should be known to be chemically suitable (un-contaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013

The above contaminated land condition and informatives are required because the existing buildings are to be demolished and the area of the existing gardens is being slightly altered.

3. 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.

4. 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.

5. 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.

6. Working Hours: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

7. Construction Dust: Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
8. Waste Management: Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
9. Air Quality: As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

10. Invasive and Injurious Weeds: Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at:
<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>.
11. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>The Parish Council continues to support redevelopment of the site, and welcomes the change from 2 detached 4 bed houses to 2 semi detached 3 beds. However, the concerns expressed previously do not seem to be adequately addressed.</p> <p>6 bedrooms still likely means 8 cars at full occupancy, and there is inadequate provision for these. George Street cannot accommodate any further parking, many properties there do not have private parking.</p> <p>The Parish Council is also still concerned about the access for construction traffic, deliveries, refuse collection and emergency services. The access track is very narrow, an HGV certainly could not gain access to make deliveries. The PC supports the Highways conditions that no materials must be allowed to block the highway. Deliveries to the end of the track would not be acceptable as it would block the neighbouring properties access to their parking. The same is true of wheelie bins on collection day being brought to the end of the track.</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the planning application and considered the information held by the Environmental and Community Protection (ECP) Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>Furthermore, on the basis that the application is for the redevelopment for dwellings of a site which only has a residential land use history it is only considered necessary to recommend the inclusion of the following planning condition.</p> <p>Contaminated Land - Discovery Condition:</p> <p>Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall</p>

	<p>subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: Identifying Potentially Contaminated Material</p> <p>Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Informative: Introduction of Soft Landscaped Garden or Amenity Areas</p> <p>Any soils, whether imported or site-won, to be used in the provision of soft landscaped garden and amenity areas should be known to be chemically suitable (un-contaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013</p> <p>The above condition and informatives are required because the existing buildings are to be demolished and the area of the existing gardens is being slightly altered.</p>
Thames Water	<p>WASTE COMMENTS:</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.</p>

	<p>https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>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> <p>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at https://www.gov.uk/government/publications/groundwater-protection-position-statements) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p>
Hertfordshire Highways (HCC)	Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1) Construction Management Plan / Statement

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;

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-information/business-licences/business-l>

licences.aspx or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The application is for the demolition of existing detached dwelling and garage and construction of a pair of semi-detached dwellings at 8 King Street, Markyate, St Albans. King Street is a 30 mph unclassified local access route that is highway maintainable at public expense.

Highway Matters

There is an existing connection with George Street which serves as access for the existing dwelling. This access has poor visibility, however, it has no recorded accidents associated with it in the past 5 years. Therefore, the extra dwelling would not be considered sufficient reasoning to request changes to the existing access. Vehicles are not required to turn on site as per the classification of the adjacent road. We have conditioned a CMP owing to the narrow nature of the road and surrounding streets which ensure that during the construction phase construction traffic does not impact the surrounding highway network.

Refuse Collection

	<p>DBC refuse collection must be happy with the collection location of the bins. There is not enough space for bin lorries to drive down the private route.</p> <p>Emergency Vehicle Access</p> <p>The new dwellings will just be within the 45 metres from the highway network as per building regulations and therefore is deemed acceptable.</p> <p>Conclusion</p> <p>HCC Highways would not wish to restrict a grant of permission for this proposal subject to the inclusion of the CMP.</p>
<p>Natural England</p>	<p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 31/08/2023, reference number 447901.</p> <p>The advice provided in our previous response applies equally to this consultation. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative</p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday,</p>

8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Construction Dust Informative

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

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission

	<p>vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
16	2	0	2	0

Neighbour Responses

Address	Comments
32 George Street Markyate St Albans Hertfordshire AL3 8JX	XXX 21st December 2023 REF: Planning Application Ref 23/02861/FUL 8, King Street, Markyate, AL3 8JY

I am in receipt of a further planning application for the property detailed above.

In my view, there is very little change to the original plans, which I objected to previously-two semi-detached dwellings, occupying the same footprint, presenting identical issues to those originally highlighted, and objected to by myself and other affected neighbours.

This does appear to be a cynical attempt to get around previous planning objections, but realistically, there is nothing to indicate that those objections have been mitigated. Consequently, I will re-submit my original objections, on the grounds that nothing has materially changed in this version, and that fundamentally, our lives will be detrimentally impacted if this application was granted, against our wishes.

Please see my objections, as detailed below;

I live in the house immediately below 8 King St. and am therefore the most likely to experience any material planning issues, should planning be granted in it's current form

I understand that objections are unlikely to be considered based solely on certain criteria (as outlined in your letter dated 29/08/23), however, what I have detailed below, I believe, constitutes serious concerns that I would ask are considered with regards to this specific application, with a view to rejecting the current proposal.

1. The apparent design of these dwellings is completely out of context with the surrounding housing stock and add nothing in terms of aesthetic value to the area.

Additionally, there has only ever been a single dwelling on this site previously, and I do not believe that there is justification for squeezing two properties on the same site, unless the motive is purely profit.

2. The narrow road that is adjacent to my property, leads to both no 8 King Street (I have never heard it called King Street before!), as well as a driveway/garage that is shared with my immediate neighbour, at 36 George Street (our legally designated parking space). This access road is constantly used by both of us throughout the day/evening, especially as there is rarely anywhere to park in the road outside. The prospect of an additional four cars using this access road to turn, enter and exit will, in my opinion be chaotic, and will inevitably lead to bottlenecks and delays. Previously, there has only ever been a maximum of two cars, normally one parked outside 8 King Street.

It is also likely that there will be additional pressure on resident parking in George Street.

3. I run my psychotherapy/counselling business from home and see clients regularly on my premises. Currently I have an office in the back of my house, directly facing No 8 King Street. Furthermore, I will be installing a home office in my garden during October, where I intend to

	<p>see my clients in the future. Clearly the likely noise and disturbance caused by building vehicles and demolition work will cause considerable disruption to my ability to work effectively, and could result in a loss of earnings.</p> <p>4. As explained above, the access road (King Street) is quite narrow and is bordered by my external brick wall, wooden fence and mature conifer trees. Whenever large vehicles have entered this road, there is invariably damage caused to my wall, trees and fence. This scenario will only increase with the additional use of building and construction vehicles attempting to access 8 King Street.</p> <p>5. I am also concerned that my personal privacy, as well as that of my clients, will be detrimentally compromised by the proposed new building, as the design indicates that my rear, second floor will be overlooked.</p> <p>6. I am also concerned by the potential loss of light to my property due to the construction of two four-bedroom dwellings; this would detrimentally impact my garden and the continued, healthy upkeep of a considerably mature, well maintained and highly valued garden, as well the general quality of light that I currently enjoy.</p> <p>7. My understanding is that there is an old well at the foot of the access road (King Steet), there is already signs of subsidence, and this will be further compromised by an increase in building/construction vehicles.</p> <p>8. I am also unclear as to what is becoming of the wall that currently divides this property from my shared driveway.</p>
<p>Markyate Village Hall Cavendish Road Markyate St Albans Hertfordshire AL3 8PS</p>	<p>The Parish Council continues to support redevelopment of the site, and welcomes the change from 2 detached 4 bed houses to 2 semi detached 3 beds. However, the concerns expressed previously do not seem to be adequately addressed.</p> <p>6 bedrooms still likely means 8 cars at full occupancy, and there is inadequate provision for these. George Street cannot accommodate any further parking, many properties there do not have private parking.</p> <p>The Parish Council is also still concerned about the access for construction traffic, deliveries, refuse collection and emergency services. The access track is very narrow, an HGV certainly could not gain access to make deliveries. The PC supports the Highways conditions that no materials must be allowed to block the highway. Deliveries to the end of the track would not be acceptable as it would block the neighbouring properties access to their parking. The same is true of wheelie bins on collection day being brought to the end of the track.</p>