

ITEM NUMBER: 5a

24/00087/FUL	Development of a terrace of three houses with associated access arrangements, following demolition of existing sheds	
Site Address:	Rosemary Cottage, 126 High Street, Northchurch, Berkhamsted Hertfordshire, HP4 3QS	
Applicant/Agent:	Mr Simon Booth	Mr Christopher Higenbottam
Case Officer:	James Gardner	
Parish/Ward:	Northchurch Parish Council	Northchurch
Referral to Committee:	Contrary views of Northchurch Parish Council	

1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to a Section 106 legal agreement securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation, and the expiry of the Article 13 Notice period in respect of Bellwinch Homes Ltd with no new material planning considerations being raised.

2. SUMMARY

2.1 The application site is located within a residential area of Northchurch and thus the principle of development is acceptable, in accordance with Policy CS4 of the Dacorum Core Strategy (2013).

2.2 An application for planning permission¹ was previously refused and the appeal dismissed at this site on the basis of, inter alia, harm to the setting of Rosemary Cottage and the Northchurch Conservation Area. The current application results in less than substantial harm at a nominal level and there are public benefits which outweigh this harm.

2.3 The application has been supported by a Building Research Establishment (BRE) Daylight and Sunlight Assessment which quantifies the level of light loss and overshadowing to the interior and gardens of nos. 18 and 20 Kite Field and no. 19 Merling Croft. The BRE report concludes that the proposed development will have a low impact on the light receivable by neighbouring properties. Matters appertaining to loss of privacy, overbearing impacts and noise and disturbance are all considered to be acceptable.

2.4 In terms of design, the proposed dwellings are considered to be congruent with the prevailing local character in terms of height, scale, massing, materials and level of amenity space. The flat roofed dormers add a subtle contemporary aesthetic which distinguishes these dwellings as a product of the 2020s and could be seen as a modern interpretation of the surrounding dwellings. There is sufficient space around the development to allow it to 'breathe', and the density is at the level advocated by Policy 21 of the Dacorum Local Plan.

2.5 Highway and parking matters have been fully considered. The Highway Authority have raised no objections and are satisfied that the development would not result in any adverse impacts on highway safety. The development provides in full for its parking requirements and, as a result, would not cause any significant additional strain on local parking provision. Concerns have been raised by local residents in connection with the potential loss of parking arising from the construction of the new vehicular access; however, this would in reality result in a minimal loss of parking such that any displacement, while perhaps inconvenient for local residents, would not be significant enough to have anything more than a nominal impact on the local highway network.

¹ 20/02360/FUL.

3. SITE DESCRIPTION

3.1 The application site currently serves as rear curtilage to Grade II Listed Building Rosemary Cottage, a former farmhouse dating back to the 16th-17th century. Rosemary Cottage is timber framed with brickwork, and comprises a single storey and converted attic. A number of outbuildings survive on the site. The site slopes gently eastwards as part of the valley side to the River Bulbourne.

3.2 Whilst Rosemary Cottage is positioned within the Northchurch Conservation Area, the land to the rear of the site, (i.e. the proposed application site), falls outside the Conservation Area boundary. The application site is within a designated residential area of Berkhamsted, an Area of Archaeological Significance and falls within the Northchurch Character Area Appraisal (BCA20).

4. PROPOSAL

4.1 Planning permission is sought for the construction of three terraced dwellings (2 x 3 bed & 1 x 2 bed) in the existing rear curtilage of Rosemary Cottage. The new dwellings would front Chapel Croft, comprising a one and a half storey form with flat roofed dormers on steeply pitched front roof slopes. The north-eastern elevation of Plot 3 would feature a cat-slide roof. Simple gabled wings are proposed to the rear. In terms of materiality, this would comprise of brick and clay / concrete tiles.

4.2 The new dwellings would be accessed via Chapel Croft and served by a block-paved parking area with provision for six cars.

5. PROCEDURAL MATTERS

5.1 During the course of the application it was brought to the Council's attention that the site location² plan includes land in the ownership of Bellwinch Homes Ltd under title HD145781, and that while Certificate B had been signed, an Article 13 Notice had only been served on the current owners of the land. As a result, an updated certificate has now been provided and an Article 13 Notice served on Bellwinch Homes Ltd on 22nd July 2024. Applications may not be determined until 21 days after the date of service of any notice. The recommendation, therefore, is that, should Members be minded to approve the application, they delegate authority to Officers to approve the application following the conclusion of the 21 day period, provided, that is, that no new material planning considerations are raised.

6. PLANNING HISTORY

Relevant Planning Applications:

20/02360/FUL - Development of two pairs of semi-detached houses
Refused - 1st March 2021

Appeals:

21/00044/REFU - Development of two pairs of semi-detached houses
Dismissed - 22nd February 2022

6.1 The appeal was dismissed on four grounds:

- 1) Impact on the setting of the Grade II listed Rosemary Cottage and the setting of the Northchurch Conservation Area.

² 556 / TP / 001

- 2) Large unbroken expanse of hard surfacing, resulting in a car dominated frontage.
- 3) Unacceptable and harmful effect on the living conditions of the occupiers of No 20, with particular regard to outlook (visual intrusion).
- 4) Provision of wide expanse of dropped kerb would hinder the ability of pedestrians to move to a safe place and be clear of vehicles coming and going from the site, resulting in an unacceptable in highway safety terms, particularly for pedestrian users.

7. CONSTRAINTS

Area of Archaeological Significance: 21

BCA Townscape Group

Canal Buffer Zones

CIL Zone: CIL1

Parish: Northchurch CP

RAF Halton and Chenies Zone: Yellow (45.7m)

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

Residential Character Area: BCA20

Parking Standards: New Zone 3

Town: Berkhamsted

8. 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.

9. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2023)

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

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

Relevant Policies:

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

CS13 – Quality of the Public Realm

CS17 – New Housing

CS18 – Mix of Housing

CS19 – Affordable Housing

CS26 – Green Infrastructure

CS27 – Quality of Historic Environment

CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 13 – Planning Conditions and Planning Obligations
Policy 18 – The Size of New Dwellings
Policy 21 – Density of Residential Development
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 55 - Traffic Management
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 118 – Important Archaeological Remains
Policy 120 – Development in Conservation Areas

Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)
Accessibility Zones for the Application of Car Parking Standards (2020)
Planning Obligations (2011)
Place & Movement Planning and Design Guide for Hertfordshire (2023)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

10. CONSIDERATIONS

Main Issues

The main issues to consider are:

- The policy and principle justification for the proposal;
- The quality of design and impact on visual amenity;
- The impact on residential amenity; and
- The impact on highway safety and car parking.

Principle of Development

10.1 The application site is located within a residential area of Northchurch, wherein the principle of residential development is acceptable in accordance with Policy CS4 of the Core Strategy (2013).

10.2 The site is also located adjacent to the Northchurch Conservation Area, with the development proposed within the grounds of Grade II Listed Building Rosemary Cottage. Policy CS27 of the Core Strategy states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. The NPPF (2023) also attaches great weight to heritage assets, noting that they should be conserved in a manner appropriate to their significance.

10.3 The council cannot demonstrate a five-year housing supply. Whilst the proposal would amount to the construction of four new units within a sustainable location, the proposals benefits should be

balanced against the impact of the proposal on designated heritage assets, in accordance with Paragraph 11 of the NPPF (2019).

10.4 In summary, the principle of residential development is acceptable in the proposed location, provided the development accords with local and national policy.

Quality of Design / Impact on Visual Amenity

10.5 Policies CS11 and CS12 of the Dacorum Core Strategy state that development should, inter alia, preserve attractive streetscapes, protect or enhance significant views within character areas, avoid large areas dominated by car parking, integrate with the streetscape character, and respect adjoining properties in terms of layout, site coverage, scale height bulk, materials etc.

10.6 Saved Appendix 3 of the Dacorum Local Plan states that there should be sufficient space around residential buildings to avoid a cramped layout and that large expanses of car parking should be avoided as far as possible.

10.7 The immediate area is characterised by modest terraced dwellings. Brick is the dominant material but both render and timber cladding are also common. Timber cladding is used to one degree or another on most, if not all, dwellings, ensuring coherence across the estate³.

10.8 The dwellings generally form interesting and attractive compositions as a result of staggered building and roof lines, differences in height; the retention of small soft-landscaped front gardens, and coherence in materiality.

10.9 The application site is located within the BCA20: Springwood Character Area which advocates the following design principles for new housing:

DEVELOPMENT PRINCIPLES

Housing

- Design: Conformity to the existing strong design themes is strongly encouraged.
- Type: A variety of dwelling types is acceptable, although acceptability will depend upon the relationship of the proposals to the type of nearby and adjacent development.
- Height: Should not exceed two storeys.
- Size: Small to medium sized dwellings are appropriate.
- Layout: The existing informal layout structure of small groups of houses in culs-de-sac should be maintained.
- Density: Should be compatible with the existing character however may be provided up to 30 dwellings/ha.

10.10 The proposed dwellings seek to emulate the form of the surrounding development, albeit in a slightly more contemporary manner; that is to say, they would utilise larger window openings and flat roofed dormers instead of pitched roof dormers. Zinc was also initially proposed for the roof but it

³ The timber cladding is typically employed on dormers and prominent gable-ends.

was subsequently considered that this would not be entirely congruent with the surrounding development and substituted for traditional roof tiles instead.

10.11 The proposed dwellings would be terraced, have a vertical emphasis, feature a staggered building line with relatively steeply pitched roofs, be of a similar scale to dwellings in the immediate vicinity and use similar materials. Other than the subtle contemporary additions, the primary difference relates to the level of space to the front of the proposed dwellings, the development being set further back from the highway and amongst landscaping.

10.12 Parking layout was a matter of concern in the previous application and, indeed, formed a reason for a refusal. Whereas the refused application proposed to place all of the parking directly next to the site boundary, resulting in a *'large unbroken expanse of hard surfacing, creating a car dominated frontage and amounting to poor design.'*, the proposed scheme shows it set back from the highway behind estate fencing and new hedging and finished in a mixture of resin bound gravel and permeable block paving. It is noted, too, that the use of parallel rows for the parking further minimises the visual impact. It is considered that this new layout adequately addresses one of the Inspector's reasons for refusal.

10.13 The set back of the dwellings from the highway also allows for the provision of a good level of landscaping, including at least six trees⁴ which would be visible from the public realm and assist in retaining a green and verdant feel to the area. There is also an argument to say that a more open aspect, achieved by the removal of the conifers, would be preferable and enhance the appearance of the area.

10.14 Based upon the size of the site, the development would be built at a density of approximately 33 dwellings per hectare. This is in accordance with Policy 21 of the Dacorum Local Plan, which states that:

'Careful consideration will be given to the density of all new housing proposals to ensure they make the most efficient use of the land available....Densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net.'

10.15 In accordance with Appendix 3 of the Dacorum Local Plan, all residential development is required to provide private open space for use by residents, with private gardens normally positioned to the rear of the dwelling and having an average minimum depth of 11.5 metres. From scaling from the Proposed Site Layout Plan it has been possible to ascertain the level of amenity space being provided. This has been set out in the table below for ease of reference:

Plot No	Depth (m)	Total Area (m2)
1	10.3	155.5
2	11.5	60.4
3	10.8	152.8

10.16 Appendix 3 provides a number of exceptions where a reduced garden depth can be acceptable; in particular it states that, *'For infill developments garden depths which are below 11.5m but of equal depth to adjoining properties will be acceptable'*.

10.17 Nos. 17 and 19 Merling Croft have garden depths of 10.1m and 8.6m, while nos. 18 and 20 Kite Field have garden depths in the region of 8.7m and 10.7m. These dwellings can be said to adjoin the application site and thus there is justification for a reduced garden depth and, indeed,

⁴ 10 trees in total are proposed to be planted in the site.

given the generous area of garden, it is clear that it would provide a level of amenity space commensurate with the size of the dwellings.

10.18 In summary, the proposed dwellings are considered to be congruent with the prevailing local character in terms of height, scale, massing, materials and level of amenity space. The flat roofed dormers add a subtle contemporary aesthetic which distinguishes these dwellings as a product of the 2020s and could be seen as a modern interpretation of the surrounding dwellings. There is sufficient space around the development to allow it to 'breathe', and the density is at the level advocated by Policy 21 of the Dacorum Local Plan.

10.19 It is considered that the proposed development would accord with Policies CS11 and CS12 of the Dacorum Core Strategy, Policy 21, BCA20 and Appendix 3 of the Dacorum Local Plan.

Impact on Significance of Heritage Assets

10.20 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions '*should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*' and in relation to conservation areas, special attention must be paid to '*the desirability of preserving or enhancing the character or appearance of that area*'. If it is judged that harm to the heritage asset/s would arise from the proposed development, considerable importance and weight must be attributed to that harm, in order to comply with the statutory duties.

10.21 It is important to note that the setting of a conservation area, unlike the setting of a listed building, is not a statutory consideration but one introduced via Government guidance and included in local planning policy. It therefore does not have the force of statute behind it.

10.22 Policy 119 of the Dacorum Local Plan relates to development affecting listed buildings, and states that development likely to affect the character of an adjacent listed building is of an appropriate scale and appearance.

10.23 The NPPF definition of the setting of heritage asset has been referenced in the Heritage Statement and, for convenience, has been set out below:

Setting of a heritage asset: *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

10.24 Saved Policy 120 of the Dacorum Local Plan states that development proposals outside a conservation area which affect its character and setting will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area.

10.25 Planning permission was previously refused⁵ for the construction of two pairs of semi-detached houses at this site and an appeal subsequently dismissed. In the appeal decision notice, the Inspector ascribed substantial weight⁶ to the harm he identified to the settings of the conservation area and Rosemary Cottage, and the unacceptable harmful effects he identified on the character and appearance of the area, the living conditions of the occupiers of No. 20, and on highway safety, as a group, and concluded that the benefits of the proposal did not outweigh the totality of the harms identified.

⁵ See 20/02360/FUL.

⁶ See paragraph 29.

10.26 The harm in relation to living conditions and highway safety identified by the Inspector are, as set out in this report, considered to have been dealt with satisfactorily, leaving the matters of the settings of the heritage assets and character and appearance of the area to be addressed. While these remain important issues, it is considered that the Inspector's decision was based upon all of the harms grouped together, resulting in the previous application being found to be unacceptable. It follows that the bar to overcome the remainder of the group harms is considerably lower.

10.27 Turning to the specific heritage harms, the inspector identified harm to both the setting of Rosemary Cottage and the setting of the Northchurch Conservation Area.

10.28 Having established that the significance of Rosemary Cottage derives, in part, from *'its historic interest in being part of the late medieval development of the village, and from its aesthetic interest arising from its timber frame construction with red brick and an old tiled roof.'* and that the site, as part of the setting of Rosemary Cottage *'contributes to the significance of Rosemary Cottage due to it being part of an uncharacteristically long garden which, in conjunction with Rosemary Cottage being set-back from the street frontage, reflects the historic pattern of development which existed prior to the industrialisation of the area'*. the Inspector went on set out his conclusion at paragraph 8:

'The proposal, for 2 pairs of semi-detached houses with associated garden areas, would largely erode the mostly undeveloped nature of the site. In this respect, the contribution that the setting makes to the significance of Rosemary Cottage would be compromised by the proposal. Whilst the harm to the setting of Rosemary Cottage would be less than substantial, this harm is of considerable importance and weight. This harm must be weighed against the public benefits of the proposal, which are considered below.'

10.29 The Inspector considered that the significance of the Northchurch Conservation Area relates to its numerous historic buildings, which *'illuminate the rich history of Northchurch which has been continuously occupied since the Roman era.'*; before going on to paraphrase the definition of *setting of a heritage asset* in the NPPF.

10.30 In response to the concerns raised by the Inspector, the scheme has been re-designed, with the following key changes being made:

- The gap between Rosemary Cottage and the proposed development has been increased by 3 m to 26 m, addressing the separation distance issue.
- The width of the application site has been reduced by 5 m, retaining a greater area of garden land with Rosemary Cottage, which incorporates all the existing mature screen planting between the garden and the application site, thereby providing a significant improvement over the appeal scheme.
- The proposal is now in the form of a terrace of three smaller dwellings (2 No. 3-bedroom and 1 No. 2-bedroom) with a staggered building and roof lines.

10.31 The impact on the setting of Rosemary Cottage and of the effects of the proposal on the character or appearance of the Conservation Area, are of great importance and matters of planning judgment.

10.32 The Conservation and Design Team were consulted and raised no significant concerns with regard to the impact in the significance of Rosemary Cottage and the Northchurch Conservation Area, concluding that:

'Having carefully considered the scheme we believe that it would not have a detrimental impact on the setting of the listed building nor the conservation area. It is a relatively low level

small scale development which would sit comfortably with the context. As noted above and on previous refused schemes there would be a loss of the land and therefore the understanding of the building in the wider context would be impacted. As such we would consider the level of harm to be less than substantial and at a nominal level. As such we would not object to the proposals.'

10.33 It is agreed that the proposed development would cause less than substantial harm at a nominal level. Accordingly, there it is incumbent on the Council to undertake the balancing exercise set out in paragraph 208 of the NPPF.

Heritage Balance

10.34 Paragraph 208 of the NPPF states 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'*.

10.35 As it has been established that the construction of the dwellings would result in less than substantial harm to heritage assets, albeit at a nominal level, consideration needs to be given to the public benefits, if any, arising from the development.

Provision of New Housing

10.36 A recent assessment of the Council's housing supply position in relation to the Rectory Farm appeal has determined that it has 1.69 years of supply, which is considered to be acute.

10.37 The Council is currently in the process of preparing a new Local Plan, but until this has been adopted it is unlikely that there will be any improvement in Council's five-year land supply.

10.38 In light of the size of the scheme, it is considered that it would be deliverable in a reasonable period of time, boosting the local supply of housing and

Economic Benefits

10.39 It is clear that there would be economic benefits arising from the development should it go ahead. This would initially take the form of the purchase of building materials from local merchants and employment opportunities for builders, plumbers, electricians etc during the construction phase. Later, it is not unreasonable to assume that local residents would patronise local shops and services, thereby contributing (in a modest way) to the local economy.

Conclusion

10.40 The proposal would provide three residential units of accommodation in an accessible urban location, on land that is presently underused. It would also provide economic benefits in terms of work for construction professionals and through the future occupiers of the proposal spending on local services and facilities, albeit all those benefits would be limited due to the quantum of units involved.

10.41 As Rosemary Cottage and the Northchurch conservation area are designated heritage assets, the NPPF requires that great weight be given to their preservation. Collectively, moderate weight is given to the public benefits of the proposal. Taking into account the nominal harm identified to the heritage assets, when the public benefits are weighed against the heritage harm, it is considered that these outweigh the harm.

10.42 It follows that the development would accord with Policy CS27 of the Dacorum Core Strategy and Policies 119 and 120 of the Dacorum Local Plan.

Impact on Residential Amenity

10.43 Policy CS12 of the Dacorum Core Strategy seeks to ensure that, amongst other things, development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

10.44 Appendix 3 of the Dacorum Local Plan, meanwhile, states that residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing and proposed dwellings; significant overshadowing should be avoided and a 45-degree angle of light maintained as a basic minimum to all significant windows of habitable rooms.

Loss of Daylight / Sunlight

10.45 At the request of the planning department, a Building Research Establishment (BRE) Daylight and Sunlight Report was subsequently submitted in support of this application. At the outset, it is important to have in mind that the BRE guidance does not constitute a set of planning rules; rather, it is simply a widely accepted methodology for quantifying the level of light loss and enabling a balanced planning judgment to be made by the decision maker.

10.46 Furthermore, paragraph 129 (c) of the NPPF endorses a flexible approach:

'...when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

10.47 The impact on daylight and sunlight levels has been assessed for the following properties:

- 18 Kite Field
- 20 Kite Field
- 19 Merling Croft

10.48 The report advises that *'All neighbouring windows pass the relevant BRE diffuse daylight and direct sunlight tests. All neighbouring amenity areas also pass the BRE overshadowing to gardens and open spaces test.....the numerical results in this assessment demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties.'*

10.49 Impacts on daylight and sunlight are assessed with reference to four parameters:

- Vertical Sky Component
- Daylight Distribution
- Sunlight Availability to Windows
- Overshadowing to Gardens and Amenity Spaces

10.50 Extracts of the relevant sections of the BRE report have been reproduced below for ease of reference:

10.51 Vertical Sky Component Results:

'All windows with a requirement for daylight pass the Vertical Sky Component test.'

10.52 Daylight Distribution Results:

'We have undertaken the Daylight Distribution test where room layouts are known. All rooms with a requirement for daylight pass the daylight distribution test.'

10.53 Sunlight to Windows:

'All windows that face within 90 degrees of due south have been tested for direct sunlight. All windows with a requirement for sunlight pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.'

10.54 Overshadowing to Gardens and Amenity Spaces:

'All gardens and open spaces tested meet the BRE recommendations.'

10.55 Summary:

10.56 The impact of the development on daylight / sunlight ingress and overshadowing of amenity areas has been fully quantified by a BRE daylight and sunlight assessment. In this case, it has been demonstrated that there would be a very limited impact on the properties assessed. Coupled with the flexible approach advocated to daylight and sunlight by paragraph 129 (c) of NPPF, it is considered that the impact in this regard is acceptable.

Overlooking

10.57 The first floor windows of Plot 1 would afford some views of the rear garden of no. 17 Merling Croft. This is also true, albeit to a lesser degree, of Plot 2. In the case of Plot 1, the distance between the windows and the common boundary would be in the region of 10.3m and 13.8m to the centre of the garden. It is reasonable to assume that residents not sit at the very edge of their garden and thus 13.8m is the likely distance from which they would be observed.

10.58 Neither the Core Strategy nor the saved policies of the Local Plan specify a minimum separation distance for where the flank elevation of one dwelling faces toward the amenity space of another.

10.59 A lack of a specified separation distance means that whether a particular development is acceptable hinges on compliance with the general provisions set out in Policy CS12; that is to say, that development avoid loss of privacy. The term 'loss of privacy' is not itself defined and is thus open to interpretation. Furthermore, the opening sentence of Policy CS12 does not state that development must avoid loss of privacy. Instead, it uses the less onerous word 'should', tacitly acknowledging that there may be times when a loss of privacy, however it is defined, may be acceptable.

10.60 Whilst not ideal, separation distances of approximately 14m are not uncommon in urban areas. It is also relevant to note that a level of mutual overlooking already exists between nos. 17 and 19.

10.61 Nos. 1 – 7 Chapel Crofts are located on the opposite side of the highway to the proposed development would be located between approximately 22m – 27m away from the proposed development. The degree of separation is generous and, in having regard to the specified separation distance for a back-to-back relationship⁷ between dwellings, is considered to be

⁷ Set out in Appendix 3 of the Dacorum Local Plan.

acceptable, it also being noted that that front elevations of dwellings are not generally speaking inherently private.

10.62 A window is proposed at ground floor level on the flank elevation of Plot 3 and two roof lights are to be located within the cat-slide roof.

10.63 Turning firstly to the ground floor window, it is understood from the floor plans⁸ that this is to be a secondary server for the living room and presumably fitted with clear glazing. Ground floor windows do not usually give rise to issues pertaining to overlooking; however, this does not apply where there is a difference in levels between adjoining sites, and in this case it is noted that the application site occupies a higher land level than nos. 18 and 20 Kitefield. The proposed section⁹ through the site illustrates that views from the window are likely, by virtue of the interposition of a 1.8m boundary fence, to be very limited. Nonetheless, for the avoidance of doubt and in the interests of ensuring categorically that there is no undue levels of overlooking, it is suggested that a planning condition be included which requires a 2m fence to be erected on the boundary prior to first occupation and permanently retained thereafter.

10.64 With regard to the roof lights, it is noted that the lower of the two would serve a kitchen and, as illustrated on elevations¹⁰, be located 2.9m above finished floor level. The roof light in the upper part of the roof would serve a bathroom and, again, would be located well above the height at which views toward surrounding properties would be readily available.

Visual Intrusion

10.65 There is no statutory planning definition of visual intrusion or whether development is overbearing. The proximity of built development, height, mass and bulk, topography, orientation and the existing layouts of adjoining dwellings are all relevant factors. As such, whether development is visually intrusive or overbearing is a matter of planning judgement.

10.66 It is important to note that one of the reasons for refusal in respect of the previous application was the impact on the living conditions of the occupiers of no. 20 Kite Field. The relevant paragraphs of the appeal decision are set out below for ease of reference:

'The site lies immediately adjacent to No 20. The proposed dwelling for Plot 4 would be located closest to No 20. I note that the scale of the dwelling, including its ridge height, would not be excessive. It would only extend across approximately half of the rear boundary of No 20, leaving an open outlook for the remainder, including towards Chapel Crofts. Supplementary planting could also be required by condition, which would soften views towards Plot 4 somewhat. 21.

Nevertheless, due to the very limited separation distance between No 20 and the dwelling proposed for Plot 4, the proposed dwelling would appear conspicuously dominant in views from both the conservatory and the ground floor rear windows at No 20. In this way, the proposal would make the conservatory and the affected living areas within No 20 much less pleasant to use.'

10.67 In the refused scheme, there was a separation distance of approximately 8m to. 20 Kite Field, and the development extended across half of no. 18. In this case, by contrast, the separation distance between the development and no. 20 has increased by approximately 5m and the development is set back further in the plot, giving no. 20 even more open aspect. In summary, the following factors are considered to be of relevance to the acceptability of the new scheme:

⁸ 556 / TP / 03

⁹ 556 / TP / 004 Rev. A

¹⁰ 556 / TP / 005 Rev. A

- The gable-end does not extend significantly along the flank (4.48m before joining the cat-slide roof);
- At 7.2m, the ridge height is relatively modest;
- The cat-slide roof breaks up the mass and bulk;
- The development would result in the removal of the high conifer hedge, which arguably is more overbearing than the proposed development, the hedge being both closer and higher than the proposed development.

10.68 Conversely, the new scheme cuts across the outlook of no.18 more than before, but at a greater distance (approximately 15m). Notwithstanding the change in levels, it is considered that the separation distance and the breaking up of the mass and bulk by the cat-slide roof is such that there would be no significant adverse impact in so far as visual intrusion is concerned.

10.69 It is submitted that the distance of the proposed development from nos. 1 – 7 Chapel Croft, combined with its limited height, scale and mass, is such that it cannot reasonably be concluded that it would result in an overbearing impact on nos. 1 – 7.

10.70 No. 19 Merling Croft is located at 90 degrees to the proposed dwellings and, therefore, views from the rear windows will continue to be largely unobstructed. Plots 2 and 3 are likely to be readily visible but only at an oblique angle. As such, it is not considered that there would be any visual intrusion.

10.71 Taking all of the above into account, it is not considered that the development would result in an unacceptable level of visual intrusion.

Noise and Disturbance

10.72 Whilst it is acknowledged that there would be an increase in noise and disturbance to local residents during the construction process, this would be short-lived; and, upon completion of the dwellings, there is no reason to believe that they would cause any greater level of disturbance than any other dwelling in the vicinity of the site.

10.73 A comment has been received from a local resident expressing concern over the potential noise generated by the air source heat pumps (ASHP). The Environmental Health Team were consulted as part of the application and confirmed that they have '*no objections or concerns re noise, odour or air quality.*' Furthermore, the model of ASHP eventually decided upon will naturally be one intended for a residential setting; therefore, it is reasonable to assume that their noise rating would be such that they would not cause any detrimental noise and / or vibration.

Impact on Highway Safety and Parking

Highway Safety

10.74 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon, inter alia:

- the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and
- the environmental and safety implications of the traffic generated by the development.

10.75 Policy CS12 of the Dacorum Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

10.76 The construction of the proposed dwellings would necessitate the formation of a new access to the public highway. The access was originally proposed to be 4.1m wide but following concerns raised by local residents in connection with the potential impact this would have on parking availability within the area, the access has been reduced to 3.1m wide.

10.77 Due to the cars parked on the highway within the cul-de-sac, vehicles entering the site will be doing so very slowly, minimising any potential danger to pedestrians who may be traversing the crossover. When exiting the site the wide grass verge would ensure ample visibility for both drivers and pedestrians.

10.78 Conflicts between pedestrians and vehicles have been minimised in the current proposal in contrast to the previous appeal proposal with a crossover for eight parking spaces that would have needed to reverse into or out of the parking space provided, whereas the current proposal allows vehicles to enter and leave in forward gear.

10.79 The Highway Authority have reviewed the application on two occasions and in both cases have raised no objections, commenting that:

'HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 278 Agreement) and conditions.'

10.80 At its narrowest, Chapel Crofts measures 4.8m wide. Manual for Streets (MfS) illustrates the type of vehicles various carriageway widths can accommodate. Carriageway widths of 4.8 metres are sufficient to permit two cars to pass one another with relative ease and larger vehicles with care.



10.81 As such, even when accounting for prevalent on-street parking, there would be sufficient space for cars to pass one another.

10.82 It is acknowledged that the construction of the access would result in a loss of parking. The key question is whether this would be so significant as to give rise to an unacceptable impact on highway safety. The width of the access (3m) is such that it is unlikely more than one on-street parking space would be lost, and although it is conceded that Chapel Crofts appears to have a degree of parking stress, the key test is set out in paragraph 115 of the NPPF; that is to say:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

10.83 It is submitted that this is not the case in this instance, the road being a cul-de-sac - serving only a handful of properties - which is unlikely to be subject to any significant level of vehicle

movements and where speeds will be severely constrained. It is to be noted that the Highway Authority have raised no issued whatsoever in connection with the proposed development.

10.84 The above notwithstanding, it is acknowledged that the constrained nature of the area surrounding the site is such that the construction process could prove problematic. With this in mind, a condition requiring the submission, approval and subsequent compliance with a Construction Management Plan is proposed to be included with any grant of planning permission, thus ensuring that disruption is kept to a minimum.

10.85 A query has been raised by a local resident in relation to whether the applicant has the permission of Bellwinch Homes Ltd to obtain access to the site. There are two points to note in this regard:

- 1) Condition 5 requires the vehicular access to be provided prior to first occupation of the dwellings. If the access is not provided, any occupation of the dwellings would be a breach of condition against which the Council's Enforcement Team could take formal action – including, following the service and contravention of a Breach of Condition Notice, prosecution.
- 2) The applicant has received legal advice from his solicitor to the effect that the Highway Authority has the controlling interest of the land and that '*At common law, the owner of land which adjoins a highway has a right of access from his land onto the highway*'. This right enables an access from any point on the landowner's land which abuts the highway, as is the case here. Therefore, it is argued that no further permissions or rights are required.

Parking

10.86 Policies CS8 and CS12 of the Dacorum Core Strategy seek to ensure that development provides sufficient and safe parking.

10.87 The Parking Standards Supplementary Planning Document was formally adopted on 18th November 2020 and advocates the use of a 'parking standard' (rather than a maximum or minimum standard), with different levels of standard in appropriate locations and conditions to sustain lower car ownership.

10.88 Section 6 of the Parking Standards Supplementary Planning Document states that:

The starting principle is that all parking demand for residential development should be accommodated on site; and the requirements shown are 'standards' - departures from these will only be accepted in exceptional cases, when appropriate evidence is provided by the agent/developer for consideration by the Council, and the Council agrees with this assessment.

....

Different standards for C3 use are provided as set out in the table in Appendix A, based on the three accessibility zones referred to in section 4.8 and shown in Appendix B.

10.89 The application site is located within Accessibility Zone 3 wherein the expectation is that the following parking provision would be achieved:

2 bedrooms	Allocated	1.50
	Unallocated	1.20
3 bedrooms	Allocated	2.25
	Unallocated	1.80

10.90 The proposed development comprises of one 2-bedroom unit and two 3-bedroom units, giving rise to a parking requirement of six spaces¹¹.

10.91 Drawing no. 556 / TP / 002 / C indicates that a total of six parking spaces with dimensions of 2.5m x 5m are to be provided to the front of the dwellings, satisfying the requirements of the Parking Standards SPD in full.

10.92 The development would provide in full for its parking requirements and thus there is no reason to believe that there would be any meaningful level of overspill onto the adjacent public highway. Accordingly, the development is considered to accord with Policies CS8 and CS12 of the Dacorum Core Strategy.

Other Material Planning Considerations

Archaeology

10.93 The proposed development is in Area of Archaeological Significance No 21, as identified in the Local Plan, and covers the historic settlements of Berkhamsted and Northchurch.

10.94 The Historic Environment Advisor at Hertfordshire County Council has reviewed the application and considers that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. On this basis, archaeological conditions are recommended to be included with any grant of planning permission.

Ecology

10.95 Hertfordshire Ecology were consulted and confirmed that, due to the location nature and scale of the development, they did not consider there to be any fundamental ecological constraints associated with the proposals. It was further noted by the ecologist that while the on-site sheds are proposed to be demolished, these would be unlikely to contain roosting bats. Therefore, subject to the inclusion of an informative in relation to nesting birds and completion of a Habitats Regulation Assessment (more detail provided below), they do not wish to raise any objections on ecological grounds.

10.96 The application was submitted prior to the introduction of mandatory biodiversity net gain and thus is not applicable in this instance.

Permitted Development Rights

10.97 Paragraph 54 of the NPPF states that “*planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.*”

10.98 More detailed guidance is found within the NPPG, where it states:

Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn

10.99 Dwellings will typically have similar building lines. In effect, this allows for modest extension extensions under permitted development to take place without generally having an adverse impact on the neighbouring dwelling.

¹¹ The plans indicate that parking will be allocated to specific plots and thus the higher parking standards apply.

10.100 In this instance, however, the staggered nature of the rear building line is such that Plot 1 extends beyond the rear elevation of Plot 2 by 1.7m. A permitted development extension of 3m could, were it to be built proximate to the boundary, have an adverse impact on residential amenity, which would be over and above that envisaged by central government. As such, it is posited that removal of Class A rights is justified in this instance.

10.101 Given the potential additional mass and bulk associated with a dormer(s) constructed under permitted development (and the impact this could have on neighbouring properties), the sensitive setting (i.e. in close proximity to a listed building), and the impact additional accommodation could have on parking requirements, it being noted that the area is subject to parking stress which would be exacerbated by overspill parking from this development, it is considered that it would be appropriate to remove Class B permitted development rights in respect of Plots 1 – 3.

Impact on Trees and Landscaping

10.102 The proposed development would result in the loss of the conifer hedge along the site boundary with Chapel Crofts and nos.18 and 20 Kite Field; however, its size is such that is not considered to contribute positively to the amenity of the area. This loss would be compensated for by the tree planting proposed as part of this application, full details of which are to be secured by condition.

10.103 The above notwithstanding, it is important that the trees retained within the remainder of Rosemary Cottage's garden are protected from damage during the construction process, in accordance with Policy 99 of the Dacorum Local Plan, and with this in mind it would be appropriate to include a condition requiring the submission, approval and subsequent compliance with a Tree Protection Plan.

Land Contamination

10.104 The Council's Scientific Officer has reviewed the documents submitted in support of the above application and the ECP Team records and has confirmed that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present that it will be remediated. This reflects the introduction of a residential end use (three dwellings) that would be vulnerable to the presence of contamination on to a brownfield site, albeit one that has a historic residential use. Accordingly, should planning permission be granted, it is recommended that further investigation of the underlying ground conditions and, where appropriate, remediation is secured by way of appropriately worded planning conditions.

Refuse and Recycling Collection

10.105 The Proposed Site Layout Plan indicates that there would be ample space for the storage of waste and recycling bins. These would need to be placed for collection at the site boundary on the appropriate day. The arrangements are considered to be in accordance with the principles for terraced and infill development set out in the Council's Refuse Storage Guidance Note.

Chiltern Beechwood Special Area of Conservation

10.106 Between 14th March 2022 and 15th November 2022 there was a moratorium on all residential development in the Borough. This was a temporary measure due to excessive harm recently identified to the Chilterns Beechwoods Special Area of Conservation (CBSAC) and Councils' duties under law required by Habitat's Regulations.

10.107 The Council has worked with relevant partners to identify a suitable mitigation strategy going forward. The mitigation strategy involves contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands.

10.108 The following contributions would need to be secured by legal agreement prior to the grant of planning permission:

- Strategic Access Management and Monitoring (SAMM) = £913.88 per dwelling.
- Suitable Alternative Natural Greenspace (SANG) = £4,251.00 per dwelling.

10.109 Payment will be required upon commencement.

Response to Neighbour Comments

10.110 A number of comments have been received from local residents in relation to this application. Those not specifically covered in the report thus far, or which require further clarification, are responded to below:

- *'The single footpath on Chapel Crofts is a well used route for both young and old. The proposed access to the development across this footpath will provide an unwelcome hazard.'*

Officer Response:

10.111 This matter was dealt with in the Highway Safety section above where it was stated that:

'Due to the cars parked on the highway within the cul-de-sac, vehicles entering the site will be doing so very slowly, minimising any potential danger to pedestrians who may be traversing the crossover. When exiting the site the wide grass verge would ensure ample visibility for both drivers and pedestrians.'

10.112 Not only would the design and layout of the development reduce the potential for conflicts between pedestrians and vehicles, the scale of the development is such that there would be a very limited increase in vehicular movements.

10.113 The Highway Authority have raised no concerns with the access arrangement (unlike the refused scheme) and therefore it is not considered that the new development would result in any adverse impacts vis-à-vis pedestrian safety.

- *'No planning notice was displayed in the road concerned, Chapel Crofts.'*

'I would like to say that there seemed to be a lack of visible notification that an application for this development had been made.'

Officer Response:

10.114 All dwellings within Chapel Crofts¹² and multiple properties within Merling Croft and Kite Field were sent consultation letters.

10.115 The need for a site notice arose by virtue of the Council's responsibilities under Regulation 5a of the Planning (Listed Buildings and Conservation Areas) Regulations 1990; namely an application for planning permission for development of land was submitted which the local planning authority believes would affect the setting of a listed building or the character or appearance of a conservation area

10.116 A site notice was duly displayed at the (pedestrian) junction of Chapel Crofts and the High Street, thus in close proximity to both Rosemary Cottage and the Northchurch Conservation Area.

¹² Nos. 1, 3, 5, 7, 9, 11, 15, 17.

Given the comment above to the effect that the footpath is well used, this location is entirely appropriate, being *'on or near the said building'*.

- *'There are already access issues for larger vehicles such as the bin men and emergency vehicles to get to the care home and Chapel Croft via Kite Field. Their ability to turn around in this area is already a problem with the numbers of cars parked within these narrow roads. As stated prior during the period of construction of the development there will be large delivery vehicles delivering on a very frequent basis resulting in traffic disruption and chaos in this area.'*

'Whilst additional parking may be created on the new site, this will be dedicated for those residents and be at the cost of at least 3 parking spaces currently available to the surrounding areas.'

Officer Response:

10.117 The development itself provides for its own parking requirements and cannot therefore be said to directly give rise to any adverse impact on the existing highway conditions. Indirectly, it is acknowledged that a small number of spaces will be lost as a result of the new vehicular access; however, in line with paragraph 115 of the NPPF:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

10.118 The Highway Authority is of the view that the development would not result in an unacceptable impact on highway safety or result in a situation whereby the cumulative impact on the road network would be severe.

10.119 Disruption during the construction process is inevitable and will be time-limited. That said, the nature of the road system in the immediate area is such that a Construction Management Plan (CMP) is deemed appropriate and forms one of the recommended planning conditions¹³ should Members be minded to grant planning permission.

10.120 The CMP condition would be pre-commencement – i.e. no development could take place until details of such matters as where building materials will be stored, how they will be delivered, the location of operative parking etc have been submitted to and approved in writing by the Council – thereby ensuring that local residents, refuse collection vehicles and ambulances are not unduly hindered.

- *'This site is suitable for the inclusion of integrated Swift bricks within the walls of the new development, which at present does not appear to include any biodiversity enhancements.'*

Officer Response:

10.121 Policy CS26 of the Core Strategy states that development and management action will, inter alia, contribute towards the conservation and restoration of habitats and species, as well as the strengthening of biodiversity corridors. Given that the development of the site would reduce the amount of area available for wildlife, and notwithstanding the additional tree planting, it is considered appropriate to include a condition requiring the installation of one swift brick in the gable walls of Units 1 and 3.

Response to Northchurch Parish Council Comments

¹³ Condition 12.

10.122 The most recent response from Northchurch Parish Council raised the following concerns.

- Incompatibility of the design with neighbouring buildings including Grade II listed Rosemary Cottage in the adjacent conservation area;
- Lack of swept path analysis for the narrow vehicular access off a very narrow street;
- Loss of 2-3 parking spaces (allowing for turn-in) on a street which is heavily used for parking by existing residents of Chapel Crofts & the High St, and by shoppers visiting the High St & High St South;
- Significant shading of the gardens of 18-20 Kite Field at certain times; loss of privacy for residents of 18-20 Kite Field due to the side-facing windows.

10.123 All of these points have been covered other than the swept path analysis. To respond to this particular point, the Proposed Site Layout Plan does, in fact, include swept path analysis and shows that a car will easily manoeuvre in and out of the site, even with parked cars parked on one side of the road. Swept path analysis has not been provided for the spaces within the site as it is clear that there is sufficient space for them to manoeuvre and park. It is assumed that a refuse freighter would not enter the site and that, as is the case with the other dwellings in Chapels Croft, bins would be put out at the kerbside on collection day.

11. CONCLUSION

10.124 The principle of development is acceptable, noting the location of the application site in a residential area of Northchurch, where the necessary infrastructure is already in place and well-developed.

10.125 The design submitted has taken on board the comments received at pre-application stage and is considered to be acceptable.

10.126 Careful consideration has been given to the potential impact on the residential amenity of neighbouring properties and it has been concluded that there would be no significant adverse impacts.

10.127 It is not considered that the construction of the proposed dwellings would have an unacceptable impact on local parking levels. Matters of highway safety are similarly deemed to be acceptable, with no objections having been received from the Highway Authority.

10.128 Overall the proposed development has overcome the previous reasons for refusal, would provide high-quality homes and make a valuable contribution to the supply of housing in the Borough and accord with Policies CS1, CS4, CS10, CS11, CS12, CS13, C26 and CS27 of the Dacorum Core Strategy and saved Policies 10, 21, 51, 54, 99 and 120 of the Dacorum Local Plan.

12. RECOMMENDATION

12.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to a Section 106 legal agreement securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation, and the expiry of the Article 13 Notice period in respect of Bellwinch Homes Ltd with no new material planning considerations being raised.

Condition(s) and Reason(s):

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

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

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

556 / TP / 001		Site Location Plan
556 / TP / 002	Rev. C	Proposed Site Layout Plan
556 / TP / 003		Proposed Floor Plans
556 / TP / 004	Rev. A	Proposed Front Elevation / Section Through Site
556 / TP / 005	Rev. A	Proposed Rear and Side Elevations

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

3. **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 dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To 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:

Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

4. **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;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- retained historic landscape features and proposals for restoration, where relevant.

The approved planting must be carried out within one planting season of completing the development and the approved hard landscape works shall be completed prior to first occupation of the dwellings.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 3 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. **Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 556 / TP / 002 C (Proposed Site Layout Plan) as a dropped kerb and vehicle crossover.**

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013) and Policies 51 and 54 of the Dacorum Borough Local Plan (2004)

6. **Prior to first occupation of the development hereby approved, arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.**

Reason: To ensure surface water from the development does not discharge onto the highway in accordance with Policy CS31 of the Dacorum Core Strategy (2013).

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

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

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

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

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

- i. **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
- ii. **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

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

8. **Any contamination, other than that reported by virtue of Condition 7 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 to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

INFORMATIVE:

The above conditions are in line with paragraphs 180 (e) & (f) and 189 and 190 of the NPPF 2023.

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>

and here:

https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8

9. **No development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:**
1. **The programme and methodology of site investigation and recording**
 2. **The programme and methodology of site investigation and recording as required by the evaluation**
 3. **The programme for post investigation assessment**
 4. **Provision to be made for analysis of the site investigation and recording**
 5. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
 6. **Provision to be made for archive deposition of the analysis and records of the site investigation**
 7. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 200 of the National Planning Policy Framework (December 2023).

10. **Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 9.**

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 and the

provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 200 of the National Planning Policy Framework (December 2023).

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

Plot 1

Schedule 2, Part 1, Class A

Plots 1 – 3

Schedule 2, Part 1, Class B

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential amenity of the future occupiers of Unit 2 in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (December 2023), and to protect the integrity of heritage assets, the visual amenity of neighbouring properties and to ensure that the development provides sufficient levels of parking, in accordance with Policies CS8, CS12 and CS27 of the Dacorum Core Strategy (2013).

12. **No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out strictly in accordance with the approved Construction Management Plan which shall include details of:**

- **construction vehicle numbers and type;**
- **traffic management requirements;**
- **construction and storage compounds (including areas designated for car parking);**
- **siting and details of wheel washing facilities;**
- **cleaning of site entrances, site tracks and the adjacent public highway;**
- **timing of construction activities (to avoid school pick up/drop off times);**
- **provision of sufficient on-site parking prior to commencement of construction activities;**
- **post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- **construction or demolition hours of operation; and**
- **dust and noise control measures.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum

Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 114 and 116 of the National Planning Policy Framework (December 2023).

This condition needs to be pre-commencement because any disruption to Kite Field by construction traffic / contractor parking could result in an unacceptable impact on the free flow of traffic and potentially cause an unacceptable level of inconvenience to local residents and road users.

13. **No development shall commence until 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, has been 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).

This condition needs to be pre-commencement as insufficient information has been provided to satisfy the Local Planning Authority that damage to trees would not occur, and as trees being living organisms, this damage could be irreparable.

14. **Notwithstanding the details shown on drawing no. 556 / TP / 002 / C (Proposed Site Layout Plan), prior to first occupation of the development hereby approved, full details of a 2m high boundary treatment to be erected along the northern boundary of the site shall be submitted to and approved in writing by the local planning authority. The fence shall be erected in accordance with the approved details prior to first occupation of the development and permanently retained and maintained at this height thereafter.**

Reason: In the interests of the residential amenity of nos. 18 and 20 Kite Field in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

15. **No development above eaves level shall take place until full details of two integrated Swift Bricks, including their proposed location, within the fabric of Units 1 and 3 has been submitted to and approved in writing by the local planning authority. The two integrated Swift Bricks shall be fully installed prior to first occupation of the dwellings hereby permitted and permanently retained thereafter.**

Reason: In the interests of strengthening biodiversity corridors, establishing a coherent ecological network which is resilient to current and future pressures, and integrating opportunities to improve biodiversity into the design of the development, in accordance with Policy CS26 of the Dacorum Core Strategy (2013) and paragraph 180 (d) and 186 (d) of the NPPF (2023).

Informatives:

1. ECOLOGY

All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

2. HIGHWAYS

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.

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:

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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.

Works within the highway (Section 278)

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

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3. 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.

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.

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 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.

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>

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>The proposal is within the grounds of Rosemary Cottage. This is a grade II listed building which is timber framed with brickwork of a single storey and converted attic. It would appear to date from the 16th/17th century and formerly was a farmhouse. Outbuildings survive at the site. The farmhouse is also within the conservation area, however the land in question is not within the conservation area. The proposed would therefore, be considered to be located adjacent to and within the setting of designated heritage assets.</p> <p>Rosemary Cottage appears to have historically been a farmhouse located at the northern end of Northchurch with land leading down to the River Bulbourne. The farm was rooted in the surrounding agricultural land and the building was experienced in this landscape. This appears to have changed from Orchard and field with watercress beds adjacent to the river in the early 20th century. In the latter half of the 20th century Northchurch expanded and the farm is now located</p>

	<p>within the village, surrounded by late 20th century housing and the visual link between the house and the river was removed. The area of land retained at present would appear to be that shown on the inter war and post war map which shows a footpath crossing the field and it defining the edge between the field and the reduced orchard. Therefore although there has been enclosure to the north and south of the farmhouse the open area to the east allows some level of understanding and context relating to its historic use. This also helps to define the character of Northchurch as a small agricultural community with the main commercial centre moving to Berkhamsted following the development of the castle in the 11th Century. The other point of interest is that this is the only part of the pre 19th century character of Northchurch North and West of New Road. As since then it has been overlain by 19th century terraced housing development. As such Rosemary Cottage is unusual in that it is set back and downhill from the building line and within a substantial plot.</p> <p>The proposed new dwellings have been substantially rethought since the previous scheme and further changes have been made following the pre application stage. The houses are now modest 1 ½ storey buildings in a short stepped terrace. They reflect the general pattern of development within this area of Northchurch and face onto the street. They have now been located further from the listed building and behind a planted belt. The design although contemporary reflects the vertical character of the historic housing stock with pitched roofs. The materials are a mixture of traditional and more contemporary roofing.</p> <p>Having carefully considered the scheme we believe that it would not have a detrimental impact on the setting of the listed building nor the conservation area. It is a relatively low level small scale development which would sit comfortably with the context. As noted above and on previous refused schemes there would be a loss of the land and therefore the understanding of the building in the wider context would be impacted. As such we would consider the level of harm to be less than substantial and at a nominal level. As such we would not object to the proposals.</p> <p>Recommendation We would not object to the proposal as the level of harm now identified is at a very low level. However the planning officer should consider this and weigh up the balance as per the guidance within the framework. External materials and finishes subject to approval. Hard and soft landscaping subject to approval.</p>
<p>Northchurch Parish Council</p>	<p><u>02/05/24</u></p> <p>NPC: Objects on the following grounds:</p> <ul style="list-style-type: none"> a. Loss of parking spaces (allowing for turn-in) on a street that is heavily used for parking by existing residents of Chapel Croft and High Street. These users will be pushed into other parts of the estate which already have significant parking issues. b. Shading of the gardens of 18 Kite Field & 19 Merling Croft will have a detrimental effect on those residents even though the figures are technically within BRE guidelines. c. Overdevelopment of an area which is adjacent to the conservation

	<p>area. The additional occupants & visitors will cause additional congestion & impact on Chapel Crofts and the surrounding roads which will be unable to handle it.</p> <p>d. Access is already very tight for cars and it will be very difficult for delivery trucks during construction. If this application is approved, a Construction Management Plan will be essential to impose strict delivery & construction times given the housing for the elderly & infirm surrounding the proposed development.</p> <p>e. Whilst the construction phase is not a planning issue, we feel strongly that this development will be stressful & disruptive to the lives of the vulnerable people on the estate and should be considered.</p>
<p>Northchurch Parish Council</p>	<p><u>31/01/24</u></p> <p>NPC: Object's to planning application 24/00087/FUL on the following grounds:</p> <ul style="list-style-type: none"> - incompatibility of the design with neighbouring buildings including Grade II listed Rosemary Cottage in the adjacent conservation area; - lack of swept path analysis for the narrow vehicular access off a very narrow street; - loss of 2-3 parking spaces (allowing for turn-in) on a street which is heavily used for parking by existing residents of Chapel Crofts & the High St, and by shoppers visiting the High St & High St South; - significant shading of the gardens of 18-20 Kite Field at certain times; - loss of privacy for residents of 18-20 Kite Field due to the side-facing windows.
<p>Hertfordshire Highways (HCC)</p>	<p><u>09/04/24</u></p> <p>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:</p> <p>1) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 556 / TP / 002 B as a dropped kerb and vehicle crossover in accordance with details/specifications agreed at the section 278 stage. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway</p> <p>Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following</p>

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-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning

	<p>0300 1234047.</p> <p>Comments</p> <p>The proposal is for the development of a terrace of three houses with associated access arrangements, following demolition of existing sheds at Rosemary Cottage, 126 High Street, Northchurch. The new dwellings will be located on Chapel Crofts, a 30 mph dead-end unclassified local access route that is highway maintainable at public expense.</p> <p>Highway Matters</p> <p>The existing site is just green space. The proposal is to create 3 new dwelling with a hardstanding for 6 vehicle spaces and a single width access onto Chapel Crofts to serve the dwellings. Although not stated, HCC Highways would expect the access to be a dropped kerb to ensure the pedestrian environment is maintained in accordance with Policy 1 and 5 within HCC's Local Transport Plan. The dropped kerb should be built to standards stipulated in HCC's design guide. The access arrangements and visibility splays are suitable for the classification of the adjacent route. The new access would need to be constructed under a section 278 agreement (please see informative 4) in the form of a dropped kerb. The new dwellings would be located near the High Street in Northchurch which provides facilities such as job opportunities and is within achievable walking and or cycling distance.</p> <p>Drainage</p> <p>The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need be collected and disposed of on site.</p> <p>Refuse / Waste Collection</p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access</p> <p>The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010.</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 (in relation to entering into a Section 278 Agreement) and conditions.</p>
Hertfordshire Highways	<u>25/01/24</u>

(HCC)

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) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 556 / TP / 002 as a dropped kerb and vehicle crossover in accordance with details/specifications agreed at the section 278 stage. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

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.

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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.

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Comments

The proposal is for the development of a terrace of three houses with associated access arrangements, following demolition of existing sheds at Rosemary Cottage, 126 High Street, Northchurch. The new dwellings will be located on Chapel Crofts, a 30 mph dead-end unclassified local access route that is highway maintainable at public expense.

Highway Matters

The existing site is just green space. The proposal is to create 3 new dwelling with a hardstanding for 6 vehicle spaces and a single width access onto Chapel Crofts to serve the dwellings. Although not stated, HCC Highways would expect the access to be a dropped kerb to ensure the pedestrian environment is maintained in accordance with Policy 1 and 5 within HCC's Local Transport Plan. The dropped kerb should be built to standards stipulated in HCC's design guide. The access arrangements and visibility splays are suitable for the classification of the adjacent route. The new access would need to be constructed under a section 278 agreement (please see informative 4) in the form of a dropped kerb. The new dwellings would be located near the High Street in Northchurch which provides facilities such as job opportunities and is within achievable walking and or cycling distance.

Drainage

The proposed new driveways would need to make adequate provision

	<p>for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need be collected and disposed of on site.</p> <p>Refuse / Waste Collection</p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access</p> <p>The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010.</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 (in relation to entering into a Section 278 Agreement) and conditions.</p>
Hertfordshire Ecology	<p>Overall Recommendation:</p> <p>Further information required - a HRA assessment will be required prior to determination.</p> <p>Summary of Advice:</p> <ul style="list-style-type: none"> • The site lies within the Chilterns Beechwoods SAC Zone of Influence - A HRA is required. • Nesting bird informative. <p>Comments:</p> <p>Chilterns Beechwoods SAC: The proposed development comprises the erection of three houses, which suggests a net increase in residential accommodation. Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', the Habitats Regulations 2017 (as amended) apply, and we recommend that as the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA). This is because we consider there is a credible risk that harmful impacts from the increase in recreational pressure on the SAC (alone or in combination with other plans or projects) may arise and that likely significant effects cannot be ruled out.</p> <p>If, following further 'appropriate assessment', the HRA is subsequently unable to rule out adverse effects on the integrity of the SAC, mitigation will be required.</p>

	<p>Effective mitigation will be best delivered by adopting the measures set out in the Council's strategic mitigation plan and the payment of the appropriate tariff(s). The latter will contribute to the implementation of 'strategic access management and mitigation measures' (SAMMs) alongside the creation of suitable alternative natural green spaces' (SANGs).</p> <p>As there is no indication in the application that the tariff(s) will be paid, it is our opinion that adverse effects cannot be ruled out and consent cannot be granted until adequate mitigation is provided.</p> <p>Protected species: Due to the location, and the nature and scale of the development, I do not consider there to be any fundamental ecological constraints associated with the proposals. The development will result in the demolition of the existing sheds on site, however, given that bats are unlikely to roost in sheds, this does not represent a constraint. There is substantial nesting bird habitat on site, and the garden looks to be very overgrown. All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or displace breeding birds and their young. To reduce the risk of an offence being committed a precautionary approach is required and, consequently, I recommend the following Informative is added to any consent:</p> <p>"In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed".</p>
Natural England	<p>NATURAL ENGLAND'S ADVICE OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERNNS BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES 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:</p> <ul style="list-style-type: none"> • Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG. • Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy. <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</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, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>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.</p> <p>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.</p> <p>Construction Dust Informative</p> <p>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.</p> <p>Waste Management Informative</p> <p>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.</p> <p>Air Quality Informative</p> <p>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</p>
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	<p>quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.</p> <p>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.</p> <p>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.</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</p> <p>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>
<p>Historic Environment (HCC)</p>	<p>We were consulted by yourselves on planning application 20/02360/FUL. Our comments remain the same and are noted below:</p> <p>The proposed development is in Area of Archaeological Significance No 21, as identified in the Local Plan. This covers the historic settlements of Berkhamsted and Northchurch. Northchurch has at least late Saxon origins, and the parish church of St Mary [Historic Environment Record no. 4447], c.150 metres to the south east, although mainly of 13th and 15th century date, contains Saxon fabric in the south and part of the west wall. Early churches such as St Mary's are invariably associated in Hertfordshire with the sites of manors or other elite residences. It is therefore probable that such a residence existed close to the church, although there is no direct evidence of its</p>

position.

The proposed development is also close to Akeman Street [HER 4595], a major Roman road. The Roman course is followed by the High Street. In 2002, observation of the footings for a new house (142 High Street, c.70m north west of the development site) revealed evidence of Roman occupation next to Akeman Street [HER 11776]. Three features were recorded, one of which contained Roman pottery, brick and tile, and iron. The builders' spoil heap yielded numerous finds, including 49 Roman potsherds.

I believe that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. I recommend that the following provisions be made, should you be minded to grant consent:

1. The evaluation, via trial trenching, of the proposed development site, prior to development commencing;
2. such appropriate mitigation measures indicated as necessary by the evaluation. These may include:
 - a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development if this is feasible;
 - b) the appropriate archaeological excavation of any remains before any development commences on the site;
 - c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);
3. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results;
4. such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

Condition A

No demolition/development shall take place/commence until a Written

	<p>Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:</p> <ol style="list-style-type: none"> 1. The programme and methodology of site investigation and recording 2. The programme and methodology of site investigation and recording as required by the evaluation 3. The programme for post investigation assessment 4. Provision to be made for analysis of the site investigation and recording 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation 6. Provision to be made for archive deposition of the analysis and records of the site investigation 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. <p>Condition B</p> <ol style="list-style-type: none"> i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A. ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. <p>If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work.</p> <p>I hope that you will be able to accommodate the above recommendations.</p>
Canal & River Trust	<p>The Canal & River Trust is a statutory consultee in Article 18 Schedule 4 Paragraph z(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in March 2023 for use from 1 April 2023. It comprises three zones that relate to notifications for different types of scales of proposed development.</p> <p>This application falls outside the notified area for its application scale and location. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.</p> <p>WE are happy to comment on particular applications that fall outside the notified areas where there are relevant circumstances. If you would like the Canal & River Trust's comments in this case or any other, please clarify the reason for your consultation when you send it.</p>

	<p>Should you have a query in relation to consultation of the Canal& River Trust on planning applications, please email us at planning@canarivertrust.org.uk</p>
<p>BCA Townscape Group</p>	<p>The BCA Townscape Group wishes to OBJECT to this application on the grounds of its impact on the setting of a Grade II listed building, and its inappropriate design and materials.</p> <p>The Group accepts that some of the access problems created by 20/02360/FUL (dismissed on Appeal in March 2021) have been overcome - although there is still intrusion and loss of spaces from the car access - but the design aspects have not. Particularly, the zinc roofs contrasting with the surrounding buildings' roofs. The Group would like to see more compatible materials in this sensitive setting.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development. However, it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present that it will be remediated.</p> <p>This reflects the introduction of a residential end use (three dwellings) that would be vulnerable to the presence of contamination on to a brownfield site, albeit one that appears to have only had a residential land use.</p> <p>If permitted, the below condition will enable the assessment of any site specific issues, whether on site or in close proximity, to be identified and if necessary appropriate recommendations made to ensure that the future site is safe and suitable for its intended use.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 to protect human health and the surrounding environment 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. 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 to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Informative:

The above conditions are in line with paragraphs 180 (e) & (f) and 189 and 190 of the NPPF 2023.

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>

and here:

https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
23	13	1	12	0

Neighbour Responses

Address	Comments
26 Kite Field Northchurch Berkhamsted Hertfordshire HP4 3XA	<p>I object to the proposed development for the following reasons:-</p> <ol style="list-style-type: none"> 1. The current site is an increasingly rare green space for the natural world and the removal of the conifer trees will impact on the local bird population. These trees also provide a suitable barrier to the site. 2. The single footpath on Chapel Crofts is a well used route for both young and old. The proposed access to the development across this footpath will provide an unwelcome hazard. 3. The loss of parking spaces on the narrow cul-de-sac of Chapel Crofts will affect its residents and subsequently have repercussions for those of us who live in an already busy Kite Field.
16 Kings Road Berkhamsted Hertfordshire HP4 3BD	<p>I object to this proposal because it will have a detrimental impact on the nearby residents.</p> <p>There will be an increase in traffic, access problems and a loss of privacy for the neighbouring residents.</p> <p>Three houses is too many for this size plot.</p>
24 Kite Field Northchurch Berkhamsted Hertfordshire HP4 3XA	<p>Sorry for the late response to this planning application. No planning notice was displayed in the road concerned, Chapel Crofts. I would just like to say that my concerns/objections are reiterated as previously mentioned by other people's comments. Chapel Crofts is a small cul de sac with an already growing parking problem. Many people who live in the adjacent high street already use this road for parking. If parking isn't possible here they will be forced to use other roads i.e..Kitefield, which is also congested and has sheltered housing for the elderly. Ambulances are regularly in attendance here. Plus with more traffic comes more pollution. Also I do have concerns with loss of privacy to the rear of my property as the proposed development will be on a</p>

	<p>higher elevation. As per the plan the new properties look out of character with surrounding properties.</p> <p>This objection is on behalf of the residents at number 28 Kitefield,. The foot path in Chapel Crofts is in constant use by elderly people from compass point and parents taking children to and from school. Also access to my garage which in Chapel Croft will be limited if this goes ahead. Also the proposed properties are not in keeping with the area. People on the high street park in Chapel Croft ,if this goes ahead there will be a parking problem in Kitefield. Also this will be a issue with emergency services which are frequently in this.</p>
<p>10 Kite Field Northchurch Berkhamsted Hertfordshire HP4 3XA</p>	<p>Our concerns are similar to other households in that this is a development which we believe is being shoehorned into a small cul-de-sac and likely to impact on the already strained parking situation in Kite Field, Chapel Crofts and surrounding roads.</p> <p>Main concerns:</p> <p>Increase in vehicle movements in a small area impacting on the safety of older and young residents (primary and secondary school children) who use the footpath on a regular basis.</p> <p>Restricting ease of access to the High Street for local residents. Increase in environmental and noise pollution owing to increase in vehicle use.</p> <p>Environmental damage caused by cutting down the long established trees at a time when councils should be supporting government policy re climate change issues.</p>
<p>1 Chapel Crofts Northchurch Berkhamsted Hertfordshire HP4 3XG</p>	<p>We would once again like to object to the proposed development on the Rosemary Cottage property. This follows from the previous refused application 20/02360/FUL and dismissed appeal 21/00044/REFU. The new proposals do nothing to mitigate any of the previous reasons for refusal and so these must be fully reviewed. I shall expand on those points raised in the previous applications.</p> <p>Living Conditions & Highway Safety</p> <p>Chapel Crofts is located in close proximity to the High Street and New Road. Within these two areas, there are large numbers of private residences, St Mary's Primary School, 2 businesses called Amrit and Bon Soiree, the local Parish Council offices, Tesco's, the Fish & Chip Shop and Compass Point Care Home off Kite Field. Parking is already extremely congested in all of these areas. As a result of this, all of the above use Chapel Crofts to supplement the limited parking available.</p> <p>Chapel Crofts is a narrow cul-de-sac containing 9 households. Each household has just one off road parking space (any garages are too small for modern sized cars) but most of the households have at least two vehicles which means on street parking is essential. However, parking is already limited for the Chapel Crofts residents (at all times of the day) because of the use from the non-residents listed above.</p>

This creates congestion significantly beyond any level anticipated when this estate was originally designed and access and turning in the road is difficult for cars and often impossible for larger emergency or refuse vehicles. Whilst additional parking may be created on the new site, this will be dedicated for those residents and be at the cost of at least 3 parking spaces currently available to the surrounding areas.

What the site location plans do not show is that the width of the road at the point of the proposed entrance is just 4.7m. For context, the width of a fire engine/ refuse lorry is 2.3m approximately and average family saloon 1.8m. This allows minimal room for manoeuvring, access will be very difficult and will create a safety issue due to reduced visibility when crossing the pavement. Please come and look at the proposed entrance.

This parking issue has been cited in a previous, refused, planning application (4/02931/16/FUL) on the adjacent Merling Croft (which is bigger than Chapel Crofts) in 2017: "Insufficient parking arrangements were proposed which would place undue parking stress on the area". This was appealed (4/00918/17/FUL) and again rejected on the same grounds that: "Policies CS8 and CS12 of the Core Strategy¹ collectively require, amongst other things, the provision of sufficient, safe and convenient parking for new dwellings. Appendix 5 of the Local Plan 2 contains the Council's standards for parking and states that for 1 bedroom dwellings this should be between 1 and 1.21 on-site spaces (depending on the residential zone) and for 2-bedroom dwellings, 1.5 on-site spaces".

Merling Croft is adjacent to Chapel Crofts but significantly bigger. This refusal was for just 1 dwelling not 3...

This increased congestion and manoeuvring of vehicles in this narrow cul de sac leads on the next, significant safety issue. Chapel Crofts is a busy pedestrian thoroughfare with only one pavement. This is utilised by not only the residents of Chapel Crofts, but also those from wider estate including the residents of the Compass Point Care Home (many of whom have reduced mobility) and parents of young children. They use it as a safe cut through to the shops, St Mary's school, bus stops and to avoid the busy High Street. This proposed access would significantly increase the number of cars manoeuvring in what is a very narrow road and present an increased risk to the more vulnerable members of our community (young and old) as there is no other pavement for them to use and vehicles will be crossing the only footpath.

The National Planning Policy Framework, December 2023 states:

116. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to

	<p>local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles;</p> <p>Therefore, this proposal does not meet the criteria laid out in the NPPF as it does not give priority to pedestrians, create a safe place minimising conflicts between pedestrians and vehicles and it will hinder access to emergency vehicles.</p> <p>Setting & Impact on the conservation area</p> <p>This development is proposed in the Northchurch Conservation Area and Rosemary Cottage is one of the most significant heritage assets in this area. As stated in the appeal outcome, "although the site is surrounded by a housing estate, the proposal to build 4 houses on the site would considerably erode these historic associations, which would undermine the contribution that the setting makes to the historic interest of the conservation area. Consequently, the significance of the conservation area would be materially harmed by the proposed development within its setting. Whilst the harm that would be caused to the significance of the conservation area as a designated heritage asset would be localised and accordingly would be less than substantial, this harm must be weighed against the public benefits of the proposal."</p> <p>This impact has not changed by reducing the number of properties by one. Furthermore, the design, appearance and materials proposed for these properties is completely out of keeping with anything locally and would further erode this small remaining conservation area.</p> <p>Finally, the land registry shows that the strip of land between the pavement and Rosemary Cottage's border is owned by Bellwinch Homes Ltd under title HD145781. This proposal would require access over this strip of land- have they served notice to them and been granted this access as it is not listed in the application under Ownership certificates?</p> <p>Given the items listed above, we trust you will again reject this proposal. However, should you wish to progress it, we would expect this application to be reviewed by the full committee given the policy conflicts listed above.</p> <p>I have submitted a response to the updated plans via post in order to include diagrams as there no facility online to do this. Please can you confirm receipt and add under the documents tab as you have done with a previous neighbour's letter. Many thanks.</p>
<p>17 Chapel Crofts Northchurch Berkhamsted Hertfordshire HP4 3XG</p>	<p>I agree with the comments from 20 Kite Field. Although I have no objections to the building of houses, I am very concerned about the access going across the only footpath. There is no footpath on the other side of the road and elderly people and school children use this affected path on a regular basis. This would also impact on the parking, which is an ongoing problem in our road. It would mean the loss of at least two parking spaces as well as making access for ambulances, dustbin lorries etc. very difficult. Incidentally, as far as can tell, my</p>

	<p>neighbour and I are the only ones who did not receive notification by letter of this application and only found out by hearsay, which is very annoying. I have also asked Rosemary cottage in July 2023 to reduce the height of the trees opposite me as we have to have lights on daily in three rooms facing the trees. I was assured that the tree surgeon had asked for planning permission to prune the trees before this spring, but I do not see any application for this. Am I wrong?</p>
<p>The Old Barn Bottom Farm Swing Gate Lane Berkhamsted Hertfordshire HP4 2RP</p>	<p>I would like to say that there seemed to be a lack of visible notification that an application for this development had been made. Hence my late response!</p> <p>I strongly object to this development and cite and reiterate all the excellent points of objection put forward by the residents of 1 Chapel Crofts.</p> <p>In addition I think if this development is to be approved I believe that the main issues of impact (all of which are negative) will be as follows:-</p> <ol style="list-style-type: none"> 1. Loss of parking for residents in Chapel Crofts and Kite Field and others who live on the High Street. 2. With the loss of the pavement up to cut through to the High Street there will be heightened road traffic dangers to pedestrians. These pedestrians will include the elderly from the nearby care home who have mobility issues and mobility scooters and parents with small children using pushchairs. Without a pavement it will be extremely dangerous for these people to negotiate safely up Chapel Croft to access St Mary's school and the high street in general. Also when/if this development is under construction there will be a high level heavy goods vehicles delivering materials which will pose another level of danger to pedestrians 3. There are already access issues for larger vehicles such as the bin men and emergency vehicles to get to the care home and Chapel Croft via Kite Field. Their ability to turn around in this area is already a problem with the numbers of cars parked within these narrow roads. As stated prior during the period of construction of the development there will be large delivery vehicles delivering on a very frequent basis resulting in traffic disruption and chaos in this area. 4. The sharp, boxy and angular design of the proposed houses does not seem to be within keeping with the existing architecture of the dwellings around it on the Spring Field Estate and the Grade II listed Rosemary Cottage. 5. The height of the proposed development will have a negative impact on the natural light available to the adjacent dwellings 20, 18 and 16 Kite Field. 6. The height of the proposed dwelling will also cause a loss of privacy to rear gardens opposite of dwellings 22 and 24 Kite Field.

	<p>7. The installation of heat pumps for the proposed development could cause a lot of noise pollution and disturbance (potentially 24 hrs a day) to the adjacent residents in Kite Field and 19 Merlin Croft.</p> <p>8. Three houses on this plot is too many and will most likely result in another 6 cars using this quiet narrow small cul de sac.</p> <p>9. In the response from 1 Chapel Croft they mention that the strip of land between the road and the boundary of Rosemary Cottage is owned by another party. Has it been investigated that this party are aware of this proposed application? Obviously without their consent or knowledge this development is not viable.</p>
<p>12 Gilders Sawbridgeworth Sawbridgeworth CM21 0EF</p>	<p>This site is suitable for the inclusion of integrated Swift bricks within the walls of the new development, which at present does not appear to include any biodiversity enhancements.</p> <p>Swift bricks conform to the British Standard for integrated nest boxes, BS42021:2022, making them universal for a number of birds including four red-listed species of conservation concern: Swift, House Martin, House Sparrow and Starling. All of these species nest in Berkhamsted / Northchurch making inclusion a real biodiversity enhancement.</p> <p>Swifts in particular nest close to this development with nests being recorded on Mandelyns, and also birds being seen adjacent to this site on on Chapel Crofts, see the RSPB's Swift Mapper website, www.swiftmapper.org.uk.</p> <p>The draft Dacorum Local Plan, which may be in force by the time this development is constructed, states at 18.24: "Features for wildlife should be integrated into the built environment e.g. bird boxes, bat boxes and hedgehog highways"</p> <p>Please consider securing Swift bricks by way of a condition, worded such as "no development shall take place until written details are approved by the LPA of the model and location of 2 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter", in accordance with the NPPF</p>
<p>110 High Street Northchurch Berkhamsted Hertfordshire HP4 3QN</p>	<p>I wish to object to these proposals, and the content of the application form.</p> <p>As per feedback we provided for previously declined applications, the road network and parking provision in this area is already under considerable pressure. There is already insufficient parking for the vehicles from existing properties.</p> <p>The new proposal says that no parking spaces will be lost, and that 6 new spaces will be created. This is conflicted by the drawings included in the application, which show that potentially 3 spaces will be lost (the one where the entrance is proposed, and one to either side to allow turning into the drive way). This is a loss of 3 on street spaces out of the</p>

8 that are currently on this road, meaning an almost 50% reduction in parking for existing houses, plus the additional parking requirements from the new properties.

The 6 new spaces detailed will be private parking for the new houses, so will not replace the lost parking.

We still feel the only way that new houses can be accommodated on this land is if the entrance is directly from the High Street, using the existing driveway that is already in place.