

ITEM NUMBER: 5c

24/00643/FUL	Construction of new dwelling and garage with associated parking	
Site Address:	64 High Street, Markyate, St Albans, Hertfordshire, AL3 8HZ	
Applicant/Agent:	MR & MRS GOWER	MR Malcolm Doherty
Case Officer:	Briony Curtain	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Scheme previously refused by Members	

1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to a legal agreement securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation.

2. SUMMARY

2.1 The application is recommended for approval. The principle of a dwelling at this site is acceptable in accordance with CS1 and CS4 of the local Plan and would optimise the use of urban land. The proposed dwelling will be located within the rear garden of a large residential property within the village of Markyate. The dwelling design will be visually subservient to the main house due to its 'coach house' appearance, will introduce a building of high quality appearance which will respect the historic context within the Conservation area and the setting of listed buildings. The dwelling is well designed and will not have an adverse impact on the neighbouring properties or impact on the nearby protected trees. Access and parking for the dwelling is acceptable and the proposal meets sustainability objectives. The proposal complies with the Act, the NPPF and policies CS1, CS4, CS11, CS12, CS27 and CS29 of the Core Strategy 2013.

2.2 It is important to note that an identical proposal was allowed at appeal in 2014.

3. SITE DESCRIPTION

3.1 The application site is located within the large village of Markyate and is to the south west of the High Street. The site is situated to the rear of Grade II Listed Buildings set within the Markyate Conservation Area and is an area of archaeological significance. It contains a group of Yew Trees which are subject to Tree Preservation Orders. The trees are to the south of the site separating the site from the parking area to properties along Buckwood Road (North Court).

4. PROPOSAL

4.1 Planning permission is sought for the construction of a detached dwelling. The proposed building has an 'L' shaped form and is to be constructed in brick with a small plain tile roof. The dwelling is one and a half storeys and has a link attached garage to the west. A driveway provides access from the main High street via the existing archway and the garden of No. 64. The driveway will serve the existing and proposed dwellings and the existing rear garden will be divided to provide amenity space for both the existing dwelling (No. 64) and the proposed dwelling. Parking is provided for the new and existing properties.

4.2 Amended plans have been submitted during the course of the application demonstrating the incorporation of a sprinkler system within the building and setting out the distances from the entrance to the furthest parts of the proposed dwelling (annotated on the plans).

4.3 This application is accompanied by listed building consent application 24/0.644/LBC, the subdivision of the plot to provide the new dwelling includes a boundary wall which is attached to a listed building.

5.0 BACKGROUND

5.1 This application follows numerous previous planning applications on the same site. Of most relevance is permission 4/01743/13/FUL which was allowed at appeal (APP/A1910/A/14/2220655) and granted consent for a detached dwelling in an identical position and of an identical design to that currently proposed. This application is essentially a resubmission of the allowed appeal scheme.

5.2 It should also be noted that since the allowed appeal planning permission and listed building consent have been granted for the construction of two dwellings on the site (ref 21/01335/FUL & 21/01336/LBC) but these have not been implemented.

5.3 RELEVANT PLANNING HISTORY

Planning Applications

24/00644/LBC - Construction of new dwelling and garage with associated parking.
PDE

21/01335/FUL - Construction of two new semi-detached cottages and new boundary wall.
GRA - 9th July 2021

21/01336/LBC - Construction of two new semi-detached cottages and new boundary wall.
GRA - 9th July 2021

20/03739/FUL - Construction of two new detached dwellings and new boundary wall
REF - 5th February 2021

20/03740/LBC - Construction of two new detached dwellings and new boundary wall
REF - 5th February 2021

4/00274/17/FUL - New dwelling and garage
GRA - 23rd March 2017

4/01743/13/FUL - New dwelling and garage within rear garden of existing house
REF - 13th February 2014
APPEAL ALLOWED 19th August 2014

6. CONSTRAINTS

CIL Zone: CIL3

Conservation Area: MARKYATE

Former Land Use (Risk Zone):

Large Village: Markyate

Parish: Markyate CP

RAF Halton and Chenies Zone: Green (15.2m)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Tree Preservation Order: 454, Details of Trees: T1 Yew, T2 Yew, T3 Yew, T4 Yew

Tree Preservation Order: 540, Details of Trees: T1 Common Yew

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2024)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 –Water Management

Supplementary Planning Guidance/Documents:

Place and Movement Planning and Design Guidance for Hertfordshire (2024)
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)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

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

Principle of Development

9.2 The site is situated within the settlement boundary of the large village of Markyate, where, in accordance with Policy CS1 and CS4 of the Core Strategy, residential development is acceptable in principle subject to a detailed assessment of its impact.

9.3 Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the borough and new dwellings are supported in principle by policy CS18 of the Core Strategy.

9.4 The NPPF encourages the provision of more housing within towns and other specified settlements (such as large villages) and encourages the effective and efficient use of land by reusing land that is underused or has been previously developed. Saved Policy 10 of the Local Plan (2004) echoes this and seeks to optimise the use of available land within urban areas.

9.5 The site is close to the centre of the village and would make better use of land in a sustainable location such that it is acceptable in principle subject to a detailed assessment of its impact. Moreover, planning permission has already been granted for residential dwellings on this site such that the principle of the development has already been established.

Quality of Design / Impact on Heritage Assets / Impact on Visual Amenity

9.6 The overall quantum, scale and siting of the proposed development is considered acceptable. The site is of sufficient size to accommodate the new single dwelling proposed with sufficient private amenity space and parking being provided in and around the building without appearing cramped or over developed in relation to the existing.

9.7 Turning to its design and layout, the site is set back from the high street, located in close proximity to several Grade II listed buildings and within the Markyate Conservation Area. Policy CS27 of the Core Strategy (2013) requires all development to favour the conservation of heritage assets which is in line with the requirements of The Planning (listed Buildings and Conservation Area) Act 1990 which requires special regard to be had to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest, and section 72 of the same Act which requires special attention to be paid to preserving or enhancing the character and appearance of the conservation area. The NPPF states great weight should be given to the conservation of designated heritage assets. Policies CS11 and CS12 require development to respect the adjacent building and integrate into the streetscape.

9.8 Whilst out of date, the application is supported by a design and access/ heritage statement which sets out the significance of surrounding heritage assets. There has been no change to the site circumstances such that the heritage assessment submitted for the previous appeal is considered relevant to the current application and it is concluded unreasonable to require an updated one. The Council's Conservation Officer has reviewed the proposals and having regard to the findings of the previous inspector (allowed appeal in 2013) and subsequent dwelling permissions, it is concluded that there would be no harm to the character, appearance or historic significance of the surrounding heritage assets; the listed buildings or this part of the Markyate Conservation Area. The proposals would have a neutral impact on heritage assets.

9.9 The size, scale, design, form, siting and materials proposed for the new dwelling all remain as previously allowed at appeal and are considered acceptable for the site and wider context. There have been no significant changes to the application site or the immediate setting since the appeal such that the conclusions reached in allowing the appeal remain pertinent.

9.10 The inspector found that given there would be no significant public views of the site and given that the public view from the high street through the archway would be limited, the development

would not result in visual harm to the site or wider area. It was concluded that *'The mass and bulk of the dwelling would be broken up and the shape and size of the building appropriate to the site layout. The architectural treatment would add interest and reduce the dominance of the telephone exchange building'*. In allowing the appeal the inspector concluded *'the introduction of the new dwelling would bring about change to the immediate surroundings of the site, but the effect on the conservation area would be neutral, so that the character and appearance would be preserved, and the significance of the nearby listed building would not be harmed'*.

9.11 The same conclusions are reached for this resubmitted scheme. The new boundary wall proposed, which would attach to the listed building and divide the plots is acceptable in its height and design and would relate well to existing boundary walls. An identical wall has previously been granted as part of the two dwelling consented scheme.

9.12 The development does not result in harm to the significance of adjacent heritage assets and respects the character and appearance of the parent and surrounding properties to harmonise well.

9.13 The proposal is considered acceptable in terms of its layout, siting and design and it is concluded to preserve the integrity, setting and distinctiveness of the surrounding heritage assets. A condition requiring full details of the materials will be included to ensure a satisfactory appearance to the development. The proposals comply with the Act, the NPPF and Policies CS11, CS12, and CS27 of the Core Strategy 2013.

Impact on Residential Amenity

9.14 Policy CS12 requires all development to avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.15 The impact of the development on all neighbouring properties has been fully assessed as part of this application, in particular the properties to the High Street, Buckland Road and North Court. It is also important to note that there have been little or no changes to the site or its relationship with the adjacent properties since the allowed appeal in 2014. The appeal concluded that *'the living conditions of adjoining occupiers would not be unduly affected'*.

9.16 The proposed new dwelling is sited to the very rear of the existing garden and is an acceptable distance from all adjacent and surrounding properties. Sufficient separation distance is provided to ensure there would be no loss of light or overshadowing and an acceptable level of privacy is maintained between sites. The new dwelling would be visible from surrounding dwellings but would not result in visual intrusion or appear overbearing. A summary of the impact on surrounding properties in turn is set out below.

9.17 No. 58 High Street is a grade II listed building to the north-east and comprises a long linear rear garden, the end section of which would abut the proposed dwelling. The proposed dwelling would be visible from the rear facing windows and immediate garden area, however due to the limited height of the proposed dwelling (5.6m) and its distance from No. 58 it would not appear unduly overbearing. The garage section of the proposed dwelling is lower than the main house so breaks up the mass and bulk and this would be the closest part to No. 58. The building would be highly visible from the end section of No. 58's garden, however this is not as well used and where visible, it would be viewed against the backdrop of existing surrounding structures (outbuildings and the telephone exchange building). Due to its siting and orientation the dwelling would not adversely affect light levels. There would be no breach of the 25 degree line to nearest habitable windows and as such no additional sunlight or daylight assessments are required. Due to the orientation some evening sun may be lost during limited months however this loss would not be so significant to warrant a refusal. There would also be some loss of light to the very end of the

garden serving No. 58 but their immediate garden (the area immediately adjacent to the property) would not be affected by the proposals. In terms of loss of privacy there are no first floor windows proposed to the north-eastern side elevation nearest No. 58 and only velux roof lights to the north-western elevation. Given their angle and orientation the roof lights would not harm privacy. To ensure privacy is maintained it is necessary and reasonable that a condition preventing windows/doors in the north-western and north-eastern elevation be included on any permission.

9.18 No. 60 and 62 high street are located to the north-east of the proposed dwelling and are the closest properties to the proposed dwelling. Existing outbuildings separate the proposed dwelling from the existing. There would be no breach of the 25 degree line to habitable windows such that sufficient light and open aspect would continue to reach them. Turning to privacy and overlooking, whilst the master bedroom comprises a window at first floor level in the eastern elevation (facing No.s 60 - 62) this is set over 23m away and as such would not give rise to an unacceptable degree of overlooking. The north-eastern side elevation does not comprise any windows and a condition preventing future windows will be included to safeguard privacy.

9.19 No. 64 itself is set to the east and comprises a large dwelling. The proposed dwelling would be sited within the existing open garden but tucked beyond the rear gardens of No. 60/62 such that there would be limited direct views of the proposed dwelling from the existing. As part of the proposals a brick wall would be constructed to divide the plots. Given the separation distance, the offset siting with the proposed dwelling and the new wall to the development, sufficient privacy would be maintained.

9.20 No.s 1-8 North Court are sited to the south. As above, they are sited an adequate distance from the proposed dwelling and given the orientation would not be significantly harmed by the proposed development. The mature protected trees along this boundary are to be retained and would help shield the development from view.

9.21 Lastly looking at 10 and 12 Buckland Road these properties are set slightly higher than the application site and whilst they do comprise rear facing windows, they would look down slightly on the proposed dwelling. The proposed dwelling would be visible but not overbearing. There are two windows at first floor level in the proposed dwelling but given their siting these would overlook the telephone exchange building and not No.s 10 and 12. There is a velux roof light but given its siting and angle on the roof it would not result in a loss of privacy.

9.22 In conclusion given the built up setting and having regard to the fact there is already a high level of mutual overlooking between sites, the proposal would not increase this to an unacceptable degree. The proposed building would be visible from surrounding properties but would not appear unduly prominent or overbearing. There would be no unacceptable loss of light or overshadowing such that the proposals comply with CS12.

9.23 Turning to the residential amenity of future occupants of the new dwelling, an acceptable level of privacy is provided. Each habitable window has an acceptable outlook and aspect, and the property is served by a private, enclosed garden which is of functional size and shape to accord with Policy guidelines (exceeding the minimum 11.5m depth required in appendix 3 of the DBLP).

Impact on Highway Safety and Parking

9.24 Given the scale of the development; a single four-bedroom unit (the room annotated as a study at first floor is of sufficient size to be used as a bedroom so has been assessed as such), it is concluded that the development would not have a residual impact on the safety or operation of the adjacent High Street.

9.25 The new unit would be accessed via an existing vehicular archway to the High Street, which, whilst it is acknowledged is narrow and has limited visibility in both directions, it is existing and is in regular use. There would be no change as a result of the development and it is important to note that it is already used by vehicles accessing No. 64 such that one additional dwelling would not significantly alter the existing situation or intensify the use of the access to an unacceptable or unsafe level. Herts County Council (HCC) as Highway Authority have raised no objection and consider the intensity of use generated by the single dwelling, would not give rise to significant concerns when compared to the existing use. The plans show sufficient space remains to the front of the proposed dwelling to allow turning space to ensure vehicles can enter and exit the site in a forward gear. Given the restricted access a construction management plan shall be required by condition to ensure the development can be safely constructed without harm to the safety of the high street highway network or damage to the listed buildings.

9.26 Concerns were initially raised with regard to fire engine access and safety but additional information has since been submitted. No objection is now raised. The proposed dwelling will incorporate an internal sprinkler system in all habitable rooms and the required access distances have been annotated on the submitted plans. Given the restricted access a fire engine cannot enter the site but all habitable rooms of the proposed dwelling lie within the acceptable distance. No concerns are therefore raised in relation to fire safety and access.

9.27 The proposal complies with the Parking Standards Supplementary Planning Document (Nov 2020). The site is located in Zone 3 and provides sufficient on-site parking spaces to serve the 4-bedroom unit proposed. A minimum of 3 allocated spaces would be required. The proposed parking therefore meets the standards and as such are acceptable.

9.28 Concerns have been raised by local residents and consultees with regard to severe parking pressures and congestion on the high street. Whilst this is acknowledged and these concerns are noted, the vehicular access is existing and at the scale proposed; a single dwelling house, it is concluded that there would be no significant harm as a result of the proposal and a refusal on these grounds alone could not be sustained. Furthermore, permission has previously been granted for two dwellings which would have a greater impact than the current proposal for a single unit.

9.29 With the inclusion of the conditions as requested by Hertfordshire County Council Highways the proposal would provide sufficient parking provision to serve the dwelling and would not result in significant harm to the safety or operation of the adjacent highway.

9.30 Given the restricted access to the site through a coach/archway access in the Listed Building and the busy high street location it is considered necessary and reasonable to require details of a construction management plan.

Other Material Planning Considerations

Ecology

9.31 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, minimising the impacts on and providing net gains for biodiversity.

9.32 Given the existing built up nature of the surroundings and the fact no substantial buildings are to be demolished as part of the proposals is unlikely that there would be any adverse impact on wildlife/protected species. It is acknowledged that some existing grassed garden area will be lost but a large area of garden would be retained as would the existing trees and other landscape features.

Biodiversity Net Gain

9.33 The Environment Act 2021 has made it a mandatory requirement for some development to achieve at least 10% biodiversity net-gain. In this case the planning application was submitted prior to April 2023 and as such is exempt from mandatory BNG.

9.34 It should be noted that whilst exempt the development includes several ecological enhancements across the site which are welcomed and have been secured by condition.

Trees and landscaping

9.35 The southern boundary of the site comprises Tree Preservation Orders. The submitted plans show these trees for retention. The proposed dwelling is situated an acceptable distance from all trees such that no harm would be caused. The application is supported by a Tree Report and Arboricultural impact assessment, which, whilst it is acknowledged relates to the previously approved two dwelling scheme, it does set out tree protection fencing. The dwelling subject of this application is located further from the protected trees than the two on the plans and as such there would be less harm than that set out in the submitted report. The tree fencing details are acceptable and would be conditioned to be in place prior to and during construction. Concern is raised in relation to a diseased tree on the boundary and that it should be removed. No trees are shown for removal as part of the dwelling application. It is not clear which tree is being referred to or what the level of disease is but given the site is located in the Markyate Conservation Area TCA consent would be required as a minimum and if one of the protected trees TPO permission would be required. If diseased and dying the tree may be exempt from requiring consent. If consent is required it is unlikely that an objection would be raised and but the replanting duty may be applicable. In any event this falls outside the remit of the current application.

Archaeology

9.36 The site is within an area of Archaeological Significance. The County archaeologist has been consulted and concludes the development is likely to have an impact on heritage assets of archaeological interest. However, the County archaeologist is satisfied that the inclusion of pre-commencement conditions requiring a full WSI would provide the necessary levels of investigation and would be sufficient to safeguard and protect potential heritage assets. The use of pre-commencement conditions has been agreed with the agent and will ensure no harm to heritage assets (archaeology).

Contamination

9.37 Former land uses mean there is the potential for the site to be contaminated. The application is for the introduction of a residential land use such that ground contamination could adversely impact the proposed development and its future residents. However as with archaeology, further investigations prior to the development commencing would need to be undertaken. The Council's Scientific Officer is satisfied that conditions requiring full investigations and mitigation / remedial works would be sufficient to ensure any contamination is identified and remediated accordingly. The inclusion of such conditions has been agreed by the agent.

Refuse

9.38 The site is of sufficient size to allow space for the storage of bins. Refuse would be collected from the High Street in the same way that it is currently for the adjacent surrounding properties. Bins would be stored to the front of the dwelling and transported to the high street for collection as per the existing high street properties and this is an acceptable relationship.

Permitted Development

9.39 Given the sensitivity of the site, its size and its position in relation to surrounding residential properties careful consideration would need to be given to future development. To enable the Local Planning Authority to retain some control it is considered reasonable and necessary to remove permitted development rights from the dwelling with regards to extensions (Class A and B) roof alterations (Class C) and outbuildings (Class E).

Community Infrastructure Levy (CIL)

9.40 The development is CIL liable.

Chilterns Beechwoods Special Area of Conservation (SAC)

9.41 Between 14th March 2022 and 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. The Council has worked with relevant partners to identify suitable mitigations strategy going forward to enable the Council to once again to grant residential development in the Borough. The mitigation strategy was agreed on 15th November 2022 and requires contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands.

9.42 A Section 106 legal agreement will need to be attached to this application securing suitable mitigation in terms of financial contributions to SANG and SAMM. Once secured, the proposal is considered to align with to policy CS26, paragraph 181 of the NPPF (2023), and the requirements of the Habitats Regulations 2017 and 2019.

Response to Neighbour comments / parish objections.

9.43 Two representations have been received raising the following concerns;

- diseased tree on boundary should be removed
- the high street is already busy and additional vehicles will worsen congestion – the high street has no more capacity, the site is by the local shop, opposite another access and next to a bus stop and the access is dangerous
- loss of light / overshadowing
- visual intrusion

- design /appearance – scale of dwelling is excessive and out of keeping
- waste removal
- concern over fire and ambulance access

These concerns raised have been dealt with above.

10. RECOMMENDATION

10.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to a legal agreement securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation.

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:**

GOW/21701/SITENEW

GOW/21701/ELEV1

GOW/21701/ELEV2

GOW/21701/PLAN

Tree Protection Plan

Tree Report, Arboricultural Impact Assessment and Method Statement (prepared by C.A.T Landscape Consultants dated 12.11.20)

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

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

Reason: To 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).

4. **Prior to the first occupation of the dwelling hereby approved full details of both hard and soft landscape works shall be 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;

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

The hard and soft landscaping works shall be undertaken fully in accordance with the approved details, implemented prior to first occupation and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development, to safeguard the character, appearance and historic significance of heritage assets and 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, CS27 of the Dacorum Borough Council Core Strategy (2013).

- 5. No development above slab level shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological 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 2024).

- 6. Development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under Condition 5.**

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 2024).

- 7. The development shall not be occupied/used 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 5 and the provision made for analysis and publication where appropriate.**

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 2024).

8. **No development shall commence until a Construction Management Plan (or Construction Method Statement)* has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:**
- a. **Construction vehicle numbers, type, routing;**
 - b. **Access arrangements to the site;**
 - c. **Traffic management requirements**
 - d. **Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
 - e. **Siting and details of wheel washing facilities;**
 - f. **Cleaning of site entrances, site tracks and the adjacent public highway;**
 - g. **Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
 - h. **Provision of sufficient on-site parking prior to commencement of construction activities;**
 - i. **Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
 - j. **where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;**
 - k. **Phasing Plan.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and to safeguard the character, appearance, and historic significance of the heritage assets in accordance with the NPPF and CS27 of the Core Strategy 2013.

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

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

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

10. **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:**

Schedule 2, Part 1, Classes A, B, and E

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (December 2024).

11. **Prior to first occupation of the dwelling hereby approved, the rear amenity areas shall be provided and laid out in accordance with drawing no. GOW/21701/SITENEW (Proposed Site Plan) and thereafter permanently retained.**

Reason: In order to ensure that the dwelling respects adjoining properties in terms of amenity and retains sufficient amenity space, in accordance with Policy CS12 of the Dacorum Core Strategy and saved Appendix 3 of the Dacorum Local Plan.

12. **The dwelling(s) shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.**

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; to use natural resources prudently in accordance with the National Planning Policy Framework (December 2024), and in accordance with Policy CS29 of the Dacorum Core Strategy (2013).

13. **Prior to first occupation of the dwelling hereby approved measures to protect the development from fire will be installed. An automatic and interconnected fire detection and sprinkler system to all habitable rooms in accordance with drawing No. GOW/21701/SITENEW shall be implemented, fully operational and the measures shall thereafter be maintained as such.**

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12, CS29 and CS35

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	There is a considerable amount of planning history for this site, in 2014 a dwelling was allowed in the rear garden at appeal - the planning inspector found it would have a neutral impact upon the significance of the Conservation Area and thus in line with NPPF policies relating to the historic environment. There have been various subsequent

	<p>applications for similar forms of development since then, some refused / withdrawn, others approved.</p> <p>The Design and Access Statement (dated 2017) is somewhat out of date and it is recommended this is updated.</p> <p>64 High Street Markyate is a grade II listed building, which started life as a late sixteenth Inn, but has been a private house in more recent years. The building is on the south-west side of the High Street, with listed buildings adjacent and lies within the Markyate Conservation Area. It is also within an Area of Archaeological Significance.</p> <p>The current application is for the same form / appearance of development as was allowed at appeal in 2014, and in the same location. The same scheme received permission again in 2017. As the proposed development is the same conservation do not feel it reasonable to object, considering the decision reached by the inspector at Appeal which found the proposal to have a neutral impact upon the significance of the Conservation Area and in line with section 12 of the NPPF.</p> <p>It should be noted that Markyate High Street is coming under pressure from parking and heavy traffic, causing issues for local residents and was raised as a major issue during the Conservation Area consultation process (the draft report is waiting adoption). This may need further consideration under the current application?</p> <p>If approved the external materials (including rainwater goods and joinery details) and hard / soft landscaping should be conditioned.</p>
<p>Historic Environment (HCC)</p>	<p>ARCHAEOLOGICAL IMPLICATIONS</p> <p>You consulted us on a similar proposal for planning application 21/01335/FUL. Our advice remains the same as before and is noted below:</p> <p>The proposed development is within an Area of Archaeological Significance, as identified in the Local Plan. This covers the core of the historic village of Markyate, which has medieval origins. The proposed works will take place within the centre of the medieval village (Historic Environment Record no. 2050), adjacent to the major Roman road of Watling Street (HER no. 9525).</p> <p>64 High Street itself (HER no. 12101) is a grade II listed late 16th century timber-framed building, once the Sun Inn. In one of its rooms is a significant late 16th century wall painting.</p> <p>The construction of two dwellings to the rear has the potential to impact on archaeological remains of medieval or post-medieval date in particular.</p>

I believe, therefore, 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 archaeological field evaluation, via trial trenching, of the proposed development area, prior to development commencing;
2. such appropriate mitigation measures indicated as necessary by the evaluations in both areas. 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 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

	<p>5. Provision to be made for publication and dissemination of the analysis and records of the site investigation</p> <p>6. Provision to be made for archive deposition of the analysis and records of the site investigation www.hertfordshire.gov.uk</p> <p>7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</p> <p>Condition B</p> <p>i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.</p> <p>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> <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>Please do not hesitate to contact me should you require any further information or clarification.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Original Comments</p> <p>Recommendation - Interim</p> <p>This is an interim to obtain more information in relation to fire appliance access. The proposed dwelling is greater than 45 metres to all parts of the building which as per building regulations then requires a fire appliance to turn on site to reach the dwelling and enter and exit the highway network in forward gear. Therefore, in light of this the applicant will need to illustrate how this will be overcome. Once this has been provided HCC Highways can deem if the site is safe in relation to accessing the highway network.</p> <p>Final Comments;</p> <p>Recommendation</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) Construction Management Plan / Statement</p> <p>No development shall commence until a Construction Management Plan (or Construction Method Statement)* has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in</p>

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

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

Highway Informatives

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

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

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a

highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

Comments

The proposal is for the construction of a new dwelling and garage with associated parking at 64 High Street, Markyate, St Albans. High Street is 30 mph and classified within Hertfordshire County Councils (HCC) Place and Movement Planning Design Guide (PMPDG) as P3/M2 (High Street).

There is an existing access for the proposed new dwelling which is an undercroft and will be used for the proposed new dwelling. This access has no associated accidents within the past 5 years. This access for the purpose of one dwelling is considered acceptable in its current form.

There is enough space for vehicles to turn on site which is considered necessary. HCC Highways have requested a Construction management plan for this proposal owing to its location to the high street and the access being through a undercroft. This CMP will ensure that minimal disruption occurs along the highway network. Herts fire and rescue have agreed to sprinklers for the site owing to a fire appliance not being able to access the site. This is in accordance with building regulations below.

BS 9991 - 2015 Residential Buildings 50.1.2 states:

Where sprinklers, in accordance with BS 9251:2014 or BS EN 12845 (see 11.2, Table 2) are fitted throughout a house or block of flats:

a) the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90m;

	<p>b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level).</p> <p>Conclusion HCC Highways would not wish to restrict a granting of permission for this proposal subject to the inclusion of the condition and informatives included within this response.</p>
Markyate Parish Council	<p>Original Comments</p> <p>The principle objection of the parish council is to the increase in traffic entering and exiting through a narrow archway onto the High Street. Sightlines are poor here and there are serious traffic issues at this location with cars being driven along the pavement outside the shop and the current property at the application site, parking on the pavement, parking on double yellow lines. Since the last application was granted there is now a new entrance opposite the entrance for the application site for new properties to the rear of 93 High Street, making manoeuvring here even more dangerous.</p> <p>The archway is not high or wide enough to allow delivery of materials onto the site so large delivery vehicles will inevitably block the High Street while unloading as there are always vehicles parked on the opposite side of High Street. Busses have had to operate a one way route through the village due to this high level of on street parking.</p> <p>Emergency vehicles are also too large to use the archway, and the property is more than 45m from the High Street, leaving fire appliances unable to reach the property.</p> <p>Infilling is contrary to the local plan within the conservation area.</p> <p>Final Comments; No Objection</p> <p>The Parish Council is glad the fire appliance access problem has now been addressed although still has concerns about the new access way opposite, and takes a neutral stance to this application.</p> <p>Since the previous appeal was allowed, the traffic and parking situation has continued to worsen, as the applicant has pointed out many times, and should be taken into account. In the Planning Inspectorate's decision on case APP/A1910/W/22/3300029 (55 High Street) in Feb 2023, the Inspector stated: <i>'The roads around the appeal site are narrow, heavily parked and during my site visit I saw examples of vehicles using pedestrian footways to gain access along the High</i></p>

	<p><i>Street. The area is under acute parking stress.</i>'. All infilling in the village centre adds to these problems.</p>
<p>Trees & Woodlands</p>	<p>Original Comments</p> <p>There are a number of trees within the development area which may be affected by the development. The applicant has not demonstrated how these trees will be protected. Therefore, I require the applicant to provide further information in the form of a tree survey as described in BS5837:2012 Trees in relation to design, demolition and construction. I would expect this to include a tree protection plan which clearly demonstrates how trees will be protected throughout the development.</p> <p>Final Comments No objection subject to condition</p>
<p>Hertfordshire Ecology</p>	<p>Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', and that this development represents a net gain in residential units, we recommend that as the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA).</p> <p>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 within the application that this mitigation has been provided, it is our opinion that adverse effects cannot be ruled out. Consequently, this application cannot be determined until the LPA is satisfied that this matter is resolved. Natural England must be consulted on the outcome of the appropriate assessment.</p> <p>We trust these comments are of assistance.</p>

<p>Natural England</p>	<p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>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"> o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG. o 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. Please re-consult Natural England once this information has been obtained.</p> <p>When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.</p> <p>Page 2 of 14</p> <p>Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.</p> <p>The 12.6km zone proposed within the evidence base¹ carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.</p> <p>In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.</p> <p>Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:</p> <ul style="list-style-type: none"> o
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Damage: encompassing trampling and vegetation wear, soil compaction and erosion;

o

Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;

o

Fire: increased incidence and risk of fire; and

o

Other: all other impacts, including harvesting and activities associated with site management.

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

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

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 64.

We would like to draw your attention to a recent appeal for St Leonard's Church Hall (Ref: APP/X0415/W/21/3278072) dated 1 March 2022. The appeal relates to net development within 12.6km of Chilterns Beechwoods SAC and was dismissed. The appeal decision is attached in Annex A.

1 Panter. C, Liley. D, Lake. S, Saunders. P & Caals. Z, March 2022, Visitor Survey, recreation impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan. Available at: [dacorum-recreation-evidence-base-200322.pdf](#)

Page 3 of 14

Protected Landscapes - Chilterns Beechwoods AONB

The proposed development is located within a proposed area of search which Natural England is

	<p>considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the development proposal.) Natural England considers the Chilterns to be a valued landscape in line with paragraph 174 of the National Planning Policy Framework (NPPF).</p> <p>Furthermore, paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.</p> <p>An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.</p> <p>For more information about the boundary review process, please read these Frequently Asked Questions.</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex B.</p> <p>If you have any queries relating to the advice in this letter please contact the case officer Betsy Brown on Consultations@naturalengland.org.uk. For any new consultations or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the planning application and considered the information held by the ECP Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>However, the following condition is recommended to ensure that, if encountered, unexpected ground contamination can be appropriately addressed. This is necessary because it is introducing a dwelling with a private garden on a brownfield site.</p> <p>Contaminated Land - Discovery Condition:</p>

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

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

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

Informative: Identifying Potentially Contaminated Material

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

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

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.

Working Hours Informative

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 Informative

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

Waste Management Informative

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

Air Quality Informative.

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

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

	<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 - Informative Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</p>
EDF Energy	Please be advised that UK Power Networks has no objections to the proposed work.
Hertfordshire Ecology	We have previously responded to this application (or another associated with it) and as there are no material changes that would warrant amended comments in this case, our previous advice still stands.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
27	5	3	2	0

Neighbour Responses

Address	Comments
UK Power Networks Barton Road Bury st Edmunds IP32 7BG	Please be advised that my Company has no objections to the proposed work.
Cllr Timmis	<p>I have just been made aware of the above, which has been a much changed application over the years.</p> <p>I know that there has been a full response from a next door neighbour, and I would like to add my concerns about the access and the situation with cars and parking in the High Street, something that the owner of 64, High St has often complained about. I'm npt sure that the Parish Council has considered it of whether they have just nodded it through.</p> <p>These comments are just for the record, and I hope you will take them in to account, as Markyate High St (which is very old with no garages) is fast becoming so congested that it will be impossible to negotiate one's way thorough it.</p>
8 North Court Markyate St Albans Hertfordshire AL3 8NT	<p>I understand there may have been a previous application approved on this property that stated the diseased trees to the perimeter of the land were required to be removed. Should permission be approved for this application 24/00643/FUL, I hope this will continue to be the case.</p> <p>The High Street is already a very busy road and any additional vehicles will impact the already congested road.</p>
58 High Street Markyate St Albans Hertfordshire AL3 8HZ	<p>Overriding objection to this proposal on the following grounds:</p> <ul style="list-style-type: none"> - loss of light and overshadowing our property - overlooking / loss of privacy - visual intrusion - design appearance, type of materials - the scale of the property is excessive and inappropriate for the site given that it is in a conservation area, surrounded by Grade II Listed buildings - the development contravenes the Dacorum Plan ref CS11 and CS27 <p>- Markyate High Street has no further capacity at this location for additional traffic or overflow parking.</p> <p>- The access to this property is right by the One Stop village shop and the Bus Stop, which the applicant has already frequently identified as an accident waiting to happen. (see applicant's frequent posts on Markyate Matters Facebook page, along with letters to Mike Penning MP).</p> <p>- The access to the property is directly opposite another access driveway creating more hazard on the High Street for cars and pedestrians.</p>

- Concern about waste removal.
- Concern about fire and ambulance access.

In addition to our earlier objection as restated now:

58 High Street Markyate St Albans Hertfordshire AL3 8HZ (Objects)

Comment submitted date: Tue 09 Apr 2024

Overriding objection to this proposal on the following grounds:

- loss of light and overshadowing our property
- overlooking / loss of privacy
- visual intrusion
- design appearance, type of materials - the scale of the property is excessive and inappropriate for the site given that it is in a conservation area, surrounded by Grade II Listed buildings
- the development contravenes the Dacorum Plan ref CS11 and CS27

- Markyate High Street has no further capacity at this location for additional traffic or overflow parking.
- The access to this property is right by the One Stop village shop and the Bus Stop, which the applicant has already frequently identified as an accident waiting to happen. (see applicant's frequent posts on Markyate Matters Facebook page, along with letters to Mike Penning MP).
- The access to the property is directly opposite another access driveway creating more hazard on the High Street for cars and pedestrians.
- Concern about waste removal.
- Concern about fire and ambulance access.

We note the addition of the 2 x tree assessment paperworks and information regarding the lack of fire engine access. The documentation for the trees shows two properties on this plot, and not the one which is shown on the planning documents. This is clearly incorrect.

We continue to object to both this application and the duplicate one numbered 24/00644/FUL for all the reasons detailed again above.